MARICOPA ASSOCIATION of GOVERNMENTS

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April 24, 2008

TO: Members of the MAG Water Quality Advisory Committee

FROM: Roger Klingler, City of Scottsdale, Chair

SUBJECT: MEETING NOTICE AND TRANSMITTAL OF TENTATIVE AGENDA

Thursday, May 1, 2008 - 3:00 p.m.
MAG Office, Suite 200 - Saguaro Room
302 North 1st Avenue, Phoenix

Please park in the garage underneath the building. Bring your ticket to the meeting; parking will be validated. For those using transit, the Regional Public Transportation Authority will provide transit tickets for your trip. For those using bicycles, please lock your bicycle in the bike rack in the garage.

Pursuant to Title II of the Americans with Disabilities Act (ADA), MAG does not discriminate on the basis of disability in admissions to or participation in its public meetings. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Jason Stephens at the MAG office. Requests should be made as early as possible to allow time to arrange the accommodation.

Members of the MAG Water Quality Advisory Committee may attend in person, by videoconference or by telephone conference call. Those attending by videoconference must notify the MAG site three business days prior to the meeting.

Please be advised that under procedures approved by the MAG Regional Council, all MAG committees need to have a quorum to conduct the meeting. A quorum is a simple majority of the membership. If you are unable to attend the meeting, please make arrangements for a proxy from your entity to represent you.

TENTATIVE AGENDA

	COMMITTEE ACTION REQUESTED
1. Call to Order	
2. Agenda Announcements	2. For information.
3. Call to the Audience An opportunity will be provided to members of the public to address the Water Quality Advisory Committee on items not scheduled on the agenda that fall under the jurisdiction of MAG, or on items on the agenda for discussion but not for action. Members of the public will be requested not to exceed a three minute time period for their comments. A total of 15 minutes will be provided for the Call to the Audience agenda item, unless the Water Quality Advisory Committee requests an exception to this limit. Please note that those wishing to comment on action agenda items will be given an opportunity at the time the item is heard.	3. For information.
4. Approval of the March 20, 2008 Meeting Minutes	4. Review and approve the March 20, 2008 meeting minutes,
5. Draft MAG 208 Water Quality Management Plan Amendment for the Town of Cave Creek Water Reclamation Facility On March 5, 2008, the Town of Cave Creek sent a letter to MAG requesting that the MAG 208 Water Quality Management Plan be amended to include the Cave Creek Water Reclamation Facility with an ultimate capacity of 2.25 million gallons per day. Reclaimed water from the proposed facility would be disposed of through reuse and Arizona Pollutant Discharge Elimination System Permit discharge points to the Galloway Wash and Cave Creek Wash. The existing Cave Creek Wastewater Treatment Plant would be decommissioned	5. For information, discussion, and possible authorization to conduct a public hearing on the Draft MAG 208 Water Quality Management Plan Amendment for the Town of Cave Creek Water Reclamation Facility.

once the new facility is operational. The project is located within three miles of the Town of Carefree, City of Phoenix, City of Scottsdale, and unincorporated Maricopa County, and all have indicated that they do not object to the proposed facility.

The Committee will be requested to authorize that a public hearing be conducted on the Draft 208 Plan Amendment for the facility. Please refer to the enclosed material.

6. Arizona Construction General Permit for Stormwater Discharges

The Arizona Department of Environmental Quality has issued a new Construction General Permit effective February 29, 2008. This permit replaces the previous construction general permit that was issued for a five-year term in February 2003. The permit authorizes stormwater discharges from construction related activities where those discharges have a potential to enter surface waters of the United States or a storm drain system. A presentation on the new permit will be provided by the Department staff.

6. For information and discussion.

7. Call for Future Agenda Items

The Chairman will invite the Committee members to suggest future agenda items.

7. For information and discussion.

MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
WATER QUALITY ADVISORY COMMITTEE MEETING

Thursday, March 20, 2008
MAG Office Building
Phoenix, Arizona

MEMBERS ATTENDING

Roger Klingler, Scottsdale, Chair
Robin Stinnett for Marilyn DeRosa, Avondale
David Johnson for Lucky Roberts, Buckeye
Jacqueline Strong, Chandler
Dave Emon, El Mirage
Stephanie Prybyl for Lonnie Frost, Gilbert
Russell Fletcher for Chris Ochs, Glendale
David Iwanski, Goodyear
Bill Fick for Bill Haney, Mesa
Stephen Bontrager, Peoria
Robert Hollander, Phoenix
Jim Swanson for Rich Williams Sr., Surprise
David McNeil, Tempe
Dale Bodiya for Kevin Chadwick, Maricopa County
John Boyer, Pinnacle West Capital
* Ray Hedrick, Salt River Project
# Erin Taylor, U of A Cooperative Extension

*Those members neither present nor represented by proxy.
#Attended by telephone conference call.

OTHERS PRESENT

Lynsi Waggoner, Goldfield Preserve
Wendy Riddell, Berry and Damore
Don Kile, Goldfield Preserve
Asha Pai, CMX
Sheila Logan, CMX
Meredith Madsen, CMX
Randy Haines, Goldfield Concerned Citizens' Association
Kevin Kammerzell, CMX
Larry Landry, Landry, Creedon and Associates
Carole Klopatek, Fort McDowell Yavapai Nation
Kathy Haines, Resident and Goldfield Ranch Citizens' Association
Mike Byrd, Salt River Pima-Maricopa Indian Community
Vivian Saunders, Salt River Pima-Maricopa Indian Community
Catherine A. Aragon, Salt River Pima-Maricopa Indian Community
Diane Enos, Salt River Pima-Maricopa Indian Community
Bill Greenslade, Southwest Ground-water Consultants
Garry Hays, Goldfield Preserve
Jeanne Lefkowitz, Goldfield Ranch Resident
Saul Lefkowitz, Goldfield Ranch Resident
Kent Mathes, Goldfield Ranch Resident
Steve Feyrer-Melk, Goldfield Ranch Resident
Joy J. Brewster, Goldfield Ranch Resident and Goldfield Concerned Citizens' Association
Shannon Harper, Landry, Creedon and Associates
Leslie Cantrell, Citizen
Lee Storey, Moyes Storey
Deborah J. Sedlmayer, Neighbor to the Goldfield Preserve
Doug Reiner, Goldfield Ranch Resident
Ondrea Barber, Salt River Pima-Maricopa Indian Community
Nathan Pryor, Maricopa Association of Governments
Julie Hoffman, Maricopa Association of Governments
Patrisia Magallon, Maricopa Association of Governments
Lindy Bauer, Maricopa Association of Governments

1. Call to Order

A meeting of the MAG Water Quality Advisory Committee was conducted on Thursday, March 20, 2008. Roger Klingler, City of Scottsdale, Chair, called the meeting to order at approximately 3:37 p.m. Bill Fick, City of Mesa; Jacqueline Strong, City of Chandler; Dave Emon, City of El Mirage; Erin Taylor, U of A Cooperative Extension; and Stephen Bontrager, City of Peoria, attended the meeting via telephone conference call.

2. Agenda Announcements

Chair Klingler provided an opportunity for member agencies to report on activities of interest in their agencies.

3. Call to the Audience

Chair Klingler provided an opportunity for members of the public to address the Committee on items not scheduled on the agenda that fall under the jurisdiction of MAG or items on the agenda for discussion but not for action.

Chair Klingler recognized public comment from Kathy Haines. Ms. Haines expressed concerns about the MAG public participation program. She stated that Chapter Seven of the MAG 208 Plan indicates that one of the major requirements of the Clean Water Act is that the public play a decision-making role in all water pollution control activities at federal, state, and local levels. She added that "public" is defined as any entity other than MAG staff, such as interest groups as well as the general public. Ms. Haines indicated that property owners certainly qualify as the general public. She stated that one objective mentioned in Chapter Seven is to solicit from the public their opinions and perceptions of problems, issues, concerns and needs. Ms. Haines inquired why there has not been solicitation of property owners in a certain case. She stated that failure to inform landowners of their right to be involved in the 208 process and having an entitlement to participate in the wastewater system breaches the requirements of the Clean Water Act and the objectives in Chapter Seven. Ms. Haines indicated there is no excuse and added that involvement of property owners in the public planning and subdivision development process in their area have not been intermittent or passive. She commented on the update of the Area Land Use Plan being initiated in 2005 and the involvement of each draft until its adoption in 2007. Ms. Haines mentioned the involvement in promoting responsible development in the area's recent Development Master Plan (DMP) approval. She indicated that the actions testify to the faithful commitment of improvement in County planning issues over the past three years. Ms. Haines discussed the numerous opportunities for the Maricopa County Planning and Development and Environmental Services to advise landowners of their right to participate and to inform MAG of the proactive community around the recent development. She added that the local area government should, as stated in A.R.S. 11-806, adopt written procedures to provide effective, early and continuous public participation by which local area landowners are informed of opportunities to participate and express concerns in MAG projects in their area in order to prevent violations such as what has occurred in the referenced case. Ms. Haines commented that a good starting point is the Maricopa County Public Participation Process used for comprehensive plan amendments and DMPs. She indicated that the government agencies have an obligation to solicit and inform and cannot leave this process up to the developer. Ms. Haines stated that when regional and local political subdivisions fail to provide a process by which the public is informed of

their opportunity to preserve and secure water quality and quantity, the Clean Water Act and local regulations supporting it are sullied and government goals are undermined.

4. Approval of the February 13, 2008 Meeting Minutes

The Committee reviewed the minutes from the February 13, 2008 meeting. Robert Hollander, City of Phoenix, moved and Dale Bodiya, Maricopa County, seconded, and the motion to approve the February 13, 2008 meeting minutes carried unanimously.

5. Draft Small Plant Review and Approval for the Preserve at Goldfield Ranch Water Reclamation Facility

Chair Klingler stated that the Draft Small Plant Review and Approval for the Preserve at Goldfield Ranch Water Reclamation Facility (WRF) has been discussed by the Committee at two previous meetings. He indicated that some Committee members have asked about the criteria used by the MAG Water Quality Advisory Committee to evaluate small plants. He added that MAG staff has provided the Committee with the Small Plant Review and Approval Process Section of the MAG 208 Plan. Chair Klingler noted that Table 4.53 on Page 4-232 of the MAG 208 Plan provides the criteria for the feasibility report for small plants outside a Municipal Small Plant Planning Area. He mentioned that the table includes technical, planning, and development criteria. Chair Klinger indicated that there has been a lot of discussion on the Small Plant Review and Approval Process which has been adopted by MAG. He commented on the Committee using the criteria. Chair Klingler indicated that representatives from the Preserve at Goldfield Ranch, Fort McDowell Yavapai Nation, and Salt River Pima-Maricopa Indian Community (SRPMIC) would be providing presentations.

David McNeil, City of Tempe, commented on the Small Plant Review and Approval Process of the MAG 208 Plan. He noted that the paragraph above Table 4.53 indicates that the developer submits the engineering report to Maricopa County and any cities whose Municipal Small Plant Planning Areas are within three miles of the proposed plant's service areas. Mr. McNeil stated that subsection two at the end of Table 4.53 indicates that the involved cities evaluate the report and send a letter containing their recommendations to Maricopa County. He added that Maricopa County then incorporates the concerns of the city and sends a recommendation to the MAG Water Quality Advisory Committee. Mr. McNeil inquired if the intent is for the MAG Water Quality Advisory Committee to do a parallel review for the criteria in Table 4.53 or fully take into consideration the recommendation from Maricopa County. Chair Klingler responded that the Small Plant Review and Approval Process is described in Section 4.5 of the MAG 208 Plan. He stated that MAG reviews the proposal and determines if the small plant is compatible with the overall 208 Plan after the city, town or county has reviewed it. Julie Hoffman, MAG, stated that MAG evaluates a proposed plant for overall MAG 208 Plan conformance to ensure that the Small Plant Process is followed and to ensure that regional impacts are addressed. She added that the MAG Water Quality Advisory Committee is presently evaluating the proposed plant for the Preserve at Goldfield Ranch.

Wendy Riddell, Berry and Damore, requested that MAG staff discuss the interested parties list maintained by MAG. Ms. Hoffman stated that MAG maintains a mail list for interested parties as a part of the public participation process for the MAG 208 Program. She added that anyone interested in the MAG 208 Program may contact MAG and request to be added to the mail list. Ms.

Hoffman mentioned that those on the list will receive materials such as the Water Quality Advisory Committee agendas and minutes. She indicated that the Water Quality Advisory Committee meetings are also posted on the MAG website as well as on the second floor of the building.

Ms. Riddell provided a presentation on the Preserve at Goldfield Ranch Water Reclamation Facility. She stated that the Goldfield Preserve is located east of the Fort McDowell Yavapai Nation. Ms. Riddell added that the site is located within approximately 5,000 acres of unincorporated Maricopa County that is known as Goldfield Ranch. She mentioned that Goldfield Ranch is surrounded on three sides by the Tonto National Forest and on the fourth side by the Fort McDowell Yavapai Nation. She indicated that Goldfield Ranch is an isolated parcel and there are no existing wastewater reclamation facilities within the parcel. She added that this situation is unique and not a situation of municipalities fighting annexation or of contesting different wastewater treatment facilities. It is a situation where there is no choice but to grow their own infrastructure and create a small package plant. Ms. Riddell presented a map showing that the Fort McDowell Yavapai Nation facility is the closest facility to the Goldfield Preserve which is located on the other side of the Verde River, across the highway, and on tribal land. Ms. Riddell showed that the next closest facility, which uses recharge, is located within the Town of Fountain Hills. She mentioned that the facility in Fountain Hills is approximately five miles from the Goldfield Preserve WRF and located on the other side of the Verde River. Ms. Riddell indicated that the Rio Verde facility is located nine miles upgradient from the Goldfield Preserve WRF. She stated that the Mesa facility is approximately 17 miles away, across the Salt River, the Verde River, and Highway 87. Ms. Riddell indicated that this demonstrates why a small package plant in this specific location is the best and most environmentally responsible approach.

Ms. Riddell commented that this application has been the subject of much debate for several years. She stated that there was an entitlement in 1995 that existed on the property. Ms. Riddell added that the entitlement had twice the density with 90 acres of commercial, a 190 acre golf course, a water budget of 2,127 acre-feet per year and a traffic impact of 34,150 daily trips. She indicated that when they purchased the property, Goldfield Preserve wanted to have a more environmentally responsible development approach for the site. Ms. Riddell mentioned that ultimately approved by the Maricopa County Board of Supervisors in 2007, a development master plan amendment was processed that cut the density in half and eliminated the hard commercial zoning. She stated that the amendment eliminated the golf course at the request of the Fort McDowell Yavapai Nation in early meetings. She added that it dramatically reduced the water budget to 732 acre-feet per year and cut the traffic by 80 percent. She commented on the Goldfield Preserve being a responsible plan and development.

Ms. Riddell discussed the communication that has occurred with the Indian Communities. She added that the Goldfield Preserve has two tribal neighbors and are respectful of having them as neighbors. Ms. Riddell indicated that before closing on the property in 2005, the Goldfield Preserve met with the Fort McDowell Yavapai Nation. She presented a timeline of tribal communication. Ms. Riddell mentioned that the timeline is intended to give the Committee an idea of the number of correspondence and meetings that have occurred from 2005 through 2008. She commented that the first hearing of the application was conducted in October 2007. Ms. Riddell stated that the Goldfield Preserve has unfortunately regretted not providing sufficient notice to the Salt River Pima-Maricopa Indian Community. She added that the SRPMIC was included in the DMP submittals and notification of the planning that was occurring. Ms. Riddell indicated that it was an oversight that the Goldfield Preserve had not provided notice to the SRPMIC of the MAG application.

Ms. Riddell mentioned that in October 2007, the MAG Water Quality Advisory Committee continued the application for 60 days to provide the Salt River Pima-Maricopa Indian Community an opportunity to have more time to review the application. She stated that the Committee also requested technical details such as detailed site plan and the Goldfield Preserve immediately responded. Ms. Riddell commented on correspondence that occurred during that 60 day period. She indicated that the Goldfield Preserve endeavored to meet with both the Salt River Pima-Maricopa Indian Community and Fort McDowell Yavapai Nation. Ms. Riddell stated that some meetings did occur; however, the Committee determined 60 days later that not enough meetings had occurred. She added that a meeting was conducted in December 2007 in which the Committee's charge was that the Goldfield Preserve meet and try to reach consensus with the Fort McDowell Yavapai Nation and Salt River Pima-Maricopa Indian Community. Ms. Riddell commented that the Goldfield Preserve took the charge seriously and significant correspondence did occur.

Ms. Riddell stated that through the course of the meetings with the Indian Communities, the Goldfield Preserve was able to achieve some compromise. She indicated that the Goldfield Preserve was able to modify the application on some points in order to respond to concerns raised by the Fort McDowell Yavapai Nation. Ms. Riddell mentioned that one comment from the Nation was that Parcel B and additional offsite parcels should be included in the Goldfield Preserve service area. She presented a map of the service area that was in the initial application. Ms. Riddell showed the locations of Parcel B and the offsite parcels. She indicated that the Goldfield Preserve was in the process of purchasing those properties during the course of the application. Ms. Riddell mentioned that the Goldfield Preserve agreed with the Nation that it was appropriate to include those properties in the service area. She commented that the application has been modified to include all of Parcel B and the offsite parcels that are contiguous and feasible.

Ms. Riddell stated that the next responsive modification that the Goldfield Preserve was able to make to respond to the Nation's concerns was to reflect language provided in the DMP Amendment approved by the Board of Supervisors related to reuse where feasible. The Goldfield Preserve agreed that it was appropriate to modify the language. Ms. Riddell indicated that the application was modified to indicate that to the maximum extent feasible, irrigation water supplied for common and open space areas will be supplied by treated effluent by build out of the development. She added that reuse of treated effluent will be pursuant to the terms and conditions of an Arizona Department of Environmental Quality (ADEQ) Reuse Permit. Ms. Riddell commented that recharge is also being proposed. Ms. Riddell stated that recharge is a good idea because of safe yield. She commented on the Groundwater Management Act and safe yield by 2025: a groundwater management goal which attempts to achieve and thereafter maintain a long-term balance between the annual amount of groundwater withdrawn in an active management area and the annual amount of natural and artificial recharge in the active management area. Ms. Riddell indicated that the goal is to achieve safe yield. She mentioned that with the goal in mind, the approach is to recharge.

Ms. Riddell discussed the next responsive modification. She stated that the Fort McDowell Yavapai Nation pointed out inconsistencies between the 208 application and the Master Wastewater Report that was submitted to Maricopa County. She added that those inconsistencies occurred since there were additional properties that the Goldfield Preserve was in the process of purchasing. Ms. Riddell indicated that the Goldfield Preserve was able to incorporate Parcel A and B into the service area. She commented that the Goldfield Preserve was able to add the additional acreage and modify the application to ensure consistency. Ms. Riddell stated that the final responsive modification the

Goldfield Preserve made was to address the Nation's concern about the operation and maintenance costs being grossly underestimated. She indicated that the costs were based upon their engineer and provider. Ms. Riddell mentioned that after talking with other service providers in the area, the Goldfield Preserve agreed that the number should be larger. She indicated that the operation and maintenance cost range was increased from $150,000-$200,000 to $250,000-$300,000 annually.

Ms. Riddell commented on the 208 small plant criteria. She stated that the first point is to have the review and comment of any municipality whose Small Plant Planning Area is within three miles of the proposed plant location and service area. Ms. Riddell added that those communities for this application are constituted as the Salt River Pima-Maricopa Indian Community and the Fort McDowell Yavapai Nation. She indicated that the Goldfield Preserve has the review and comments from both Indian Communities. The second point is that a small wastewater treatment plant must not adversely affect the operation or financial structure of existing or proposed wastewater treatment plants. Ms. Riddell referred to a map and indicated that the Goldfield Preserve is an isolated community where there is no other wastewater reclamation facility capable of servicing the area since it is not feasible. She stated that there is no impact on the operation or financial structure of any of the existing facilities and none are proposed.

Ms. Riddell stated that the third point is that the small wastewater treatment plant must be consistent with the State and County regulations and other requirements. Ms. Riddell added that the Goldfield Preserve is consistent and has been proceeding through Maricopa County. She indicated that the Goldfield Preserve has their DMP and zoning preliminary plat application and other applications in the works. The fourth point is that a small wastewater treatment plant must be otherwise consistent with the MAG 208 Plan. Ms. Riddell commented that the Goldfield Preserve is consistent with the 208 process and the Plan. The fifth point is that a small wastewater treatment plant must be evaluated and approved, or modified by Maricopa County Environmental Services Department. Ms. Riddell stated that Maricopa County is the sponsor and has reviewed the application. She added that Maricopa County has also reviewed the amendment and has written an additional sponsorship letter. Ms. Riddell respectfully requested an affirmative recommendation for a plan that is both technically sufficient and consistent with other applications that the Committee has approved.

Dr. Carole Klopatek, Fort McDowell Yavapai Nation, provided a presentation on the Nation's unaddressed concerns regarding the Goldfield Preserve MAG 208 Small Plant. She stated that the Nation researched back to the 1970s and talked to a number of individuals who were involved in the early stages of the MAG 208 Planning Process. Dr. Klopatek added that a thorough investigation was completed by the Nation. She commented that the small plant concept was developed in the early 1980s and one of the first things talked about was to reduce the number of plants built by the developers and handed over to Homeowner Associations (HOAs). Dr. Klopatek mentioned that the small plant concept was also developed to ensure that small plants would be well designed, constructed, and financed and avoid complaints between communities regarding the locations.

Dr. Klopatek stated that the Goldfield Preserve small plant is outside a Municipal Planning Area. She added that the Goldfield Preserve produced the conditions that must be achieved. Dr. Klopatek stated that the Fort McDowell Yavapai Nation feels that the only condition to date that has been achieved and attempted by the Goldfield Preserve is approval of Maricopa County. Dr. Klopatek discussed the Nation's concerns regarding water quality and water quantity. She noted that the MAG Water Quality Advisory Committee do not address water quantity in total; however, the Nation has

a major fear in terms of what the water will turn into if the 208 application is approved as proposed. Dr. Klopatek mentioned that the Fort McDowell Yavapai Nation is dependent on the water from the Verde River for their basic substance of life, subflow for potable water, surface water for cultural and religious purposes for the Nation, fishing, recreation, aesthetic beauty and the economy. She indicated that it is important to realize how tied the Nation is to the water.

Dr. Klopatek stated that the Goldfield Preserve has not addressed the water quality issues that the Fort McDowell Yavapai Nation has mentioned in meetings, letters and in public. She commented on the table provided by Ms. Riddell on correspondence. Dr. Klopatek indicated that unless there is substantive communication, it does not matter how many letters were written. She added that the questions remained unanswered. She mentioned that she was not present in the initial meeting that occurred in 2005, but was involved in the discussions from 2006 to present. Dr. Klopatek commented that the Nation never stated that it would turn down a golf course. She stated that a proposal never came through to the Fort McDowell Yavapai Nation. She noted that the Tribal Council as a whole addresses what they want to see and what they do not want to see. Dr. Klopatek added that she inquired about the water and wastewater in the first meeting she attended that was held with Mr. Don Kile and Mr. Steve Ellman. She indicated that she was referred to their attorney, Lee Storey and asked if the Nation had any ideas. Dr. Klopatek stated that a proposal in writing was requested by the Nation. She added that the proposal was never received; however, what did come was the MAG 208 Small Plant application. She commented that there was never consultation with the neighboring communities and the local MPA which is the Nation.

Dr. Klopatek stated that there are still unanswered questions. She added that the first topic in the 208 small plant criteria is why a small plant is desired. The Goldfield Preserve responded that connecting to an existing wastewater treatment plant (WWTP) would require an extensive system through drastic topographic constraints and additionally is not feasible. Dr. Klopatek indicated that the potential alternatives were never addressed. She commented on the Valley and its growth. Dr. Klopatek stated that topography is not an issue and there is technology to get water uphill. She added that the Fort McDowell Yavapai Nation was not mentioned nor consulted in the early stages. Dr. Klopatek mentioned that the Nation has not received a letter or any comment back from Maricopa County addressing the questions that were raised in its October 2, 2007 letter and at the meeting held in September 2007. She mentioned the criteria of the anticipated quality of the wastewater. The Goldfield Preserve responded that the influent wastewater quality will be consistent with wastewater generated from typical domestic uses. Dr. Klopatek stated that the question is not addressed. For example, commercial uses are proposed but not specifically addressed in the design criteria. She added that with commercial uses there will be grease, detergents, and cleaning products which will change the strength of the wastewater. Dr. Klopatek indicated that the wastewater concentrations used are two times greater than those for typical domestic uses. She noted that commercial is not a typical domestic use. Dr. Klopatek commented that the Goldfield Preserve will have other areas incorporated; however, the uses are unknown.

Dr. Klopatek discussed the 208 small plant criteria question of how and why a small plant design and capacity is selected. She indicated that the document received is only 12 pages, which have not changed much over the last several months. Dr. Klopatek added that the Committee would be reviewing the first 12 pages and determining if it is sufficient documentation. Dr. Klopatek mentioned that as a regional planning document, the entire planning area should be included in calculating the ultimate plant capacity which would be all of Goldfield Ranch. She commented that

the MAG process has six to seven questions about regional planning. Dr. Klopatek mentioned the 208 small plant criteria question of what criteria was used. The Goldfield Preserve responded that the process ultimately used for the Goldfield WRF will be finalized during the facility design. Dr. Klopatek stated that the Goldfield Preserve does not commit to a process. She indicated that at this time, they must define a sufficient plan and commit to it. Dr. Klopatek inquired about how to evaluate the plan and the treatment process when it is not defined. She discussed the 208 small plant criteria question of what alternatives were considered. The Goldfield Preserve responded that the Goldfield WRF is anticipated to be a complete mix system, although as further planning and design proceeds, the alternative treatment methodologies considered may be reevaluated and employed at this facility. Dr. Klopatek inquired about what is being approved. She stated that the Fort McDowell Yavapai Nation cannot evaluate if the plan will affect the Nation if the process unknown. She asked how to evaluate the plan in terms of design. Dr. Klopatek also commented on determining the operation and maintenance (O&M) costs if the first simple commitment has not been made.

Dr. Klopatek mentioned the 208 small plant criteria question of what are benefits, problems of alternatives. She stated that there is no detail and evaluation of alternatives in the document. Dr. Klopatek indicated that the Goldfield Preserve has not examined space needs, setbacks, odor controls, capital costs, O&M costs, and other critical features. She mentioned that in order to evaluate the alternatives, the aforementioned would have to have been examined. Dr. Klopatek discussed the 208 small plant criteria question of will there be problems meeting State or County regulations. The Goldfield Preserve response indicated language about if other treatment processes are considered. Dr. Klopatek commented that the Goldfield Preserve has not committed to a process. She stated that the treatment process remains an open question. Dr. Klopatek asked how the Golfield Preserve can say they will abide by the State and County regulations if they do not know which treatment process will be used.

Ms. Riddell mentioned the 208 small plant criteria question of what sludge management options were considered. The Goldfield Preserve responded that due to the potential for odor generation, site space requirements and population sensitivity issues, dewatering on site is not planned at this time. Dr. Klopatek added that the Goldfield Preserve is therefore already aware that there will be odor generation, site requirements and population sensitivity. She indicated that the Goldfield Preserve will be taking undigested sludge and hauling it to a municipal facility. Dr. Klopatek commented that the Nation called other facilities and asked if they were willing to take undigested sludge. The response was that taking undigested sludge was a practice of the past and they would not do it. Dr. Klopatek mentioned that there is no commitment letter stating that the Goldfield Preserve will be able to haul undigested sludge to a municipal plant. Dr. Klopatek stated that they have to assume that without an agreement the undigested sludge will have to be handled onsite which will change the overall design, odor generation, site space consideration, and setbacks. She commented on the impact of handling the sludge onsite.

Dr. Klopatek discussed the 208 small plant criteria question of is the proposed plant compatible with County adopted master plans, guidelines, etcetera for the area. The Goldfield Preserve responded that the Goldfield Area Plan proposes a wastewater treatment facility within the Preserve at Goldfield Ranch. She stated that the Goldfield Preserve did not answer the question. Dr. Klopatek mentioned that this plan cannot treat the Goldfield Preserve different than the rest of the area plan. She discussed regional planning. Dr. Klopatek mentioned the 208 small plant criteria question of

what guidelines or policies apply. The Goldfield Preserve responded that the Master Wastewater Report for The Preserve at Goldfield Ranch (CMX 2007) provides further details on flow generation and a wastewater collection system design. Dr. Klopatek commented on flow generation and inconsistencies. She added that the report lacks information for lift station locations and controls for odors, noise, and maintenance which are critical to the Nation. Dr. Klopatek discussed the 208 small plant criteria question of can the proposed plant be expanded to serve the growing population. She indicated that this was a regional planning question that was asked to the Goldfield Preserve. The Goldfield Preserve responded that a limited expansion of the Goldfield service area may be allowed based on individual property owners. She noted that the developer did not address this regional question.

Dr. Klopatek mentioned the 208 small plant criteria question of what population is projected for the service area. The Goldfield Preserve responded that the Regional Analysis Zones (RAZs) 336 and 337 are anticipated to reach about 6,000 people. Dr. Klopatek stated that the unanswered question is the comparison between the RAZ area and the Goldfield Preserve area. She added that the reason why the small plant process was designed was to stop the proliferation of small plants. Dr. Klopatek inquired if there will be more small plants in the future since the Goldfield Preserve designed a plant for only their area. She discussed the small plant criteria question of would certain areas lend themselves, topographically or hydrologically, by planned use or density to being included in the service area. The Goldfield Preserve response included very limited adjacent properties and the feasibility and potential for such expansions are limited to very few individual properties. Dr. Klopatek stated that there is no analysis on these limited areas. She added that the Goldfield Preserve did not address the question.

Dr. Klopatek mentioned the 208 small plant criteria question of will the proposed plant adversely impact existing or approved nearby land uses. The Goldfield Preserve responded that the Goldfield development resides within an island of private land (National Forest on three sides and Fort McDowell Yavapai Nation on the west). She discussed the term island and stated that this is urban fringe. She mentioned that the Nation is not denying this development. Dr. Klopatek indicated that the Nation has never said it wants to stop this development; however, the Nation wants water protected. She mentioned that the Goldfield Preserve has not addressed how the small plant will affect the Nation's land uses. Dr. Klopatek stated that the document fails to discuss impacts to the Nation's residents. She provided examples and indicated that the Goldfield Preserve has not addressed whether the system will be open or closed. Dr. Klopatek indicated that the impacts to the enterprises and the livelihood of the Nation are at stake.

Dr. Klopatek discussed the 208 small plant criteria question of what are the reactions of nearby landowners to the proposed facility. The Goldfield Preserve responded that the landowners in the project vicinity (in the Goldfield Ranch community) have expressed concerns over noise and odor control. Dr. Klopatek indicated that the Goldfield Preserve has not stated how they would mitigate the concerns. She mentioned the 208 small plant criteria question of will there be a net water saving from effluent reuse. Ms. Klopatek noted water quantity. The Goldfield Preserve responded that water savings is experienced by replenishing the waters withdrawn from the aquifer through groundwater recharge. She indicated that it is a mischaracterization to state that recharge is a savings when the initial water supply is pumped groundwater.

Dr. Klopatek discussed the 208 small plant criteria question of how the effluent will be disposed. The Goldfield Preserve responded that groundwater injection wells are preliminarily planned within the setbacks of the WRF site. She added that the setbacks are unknown. Dr. Klopatek indicated that it is unknown whether the setbacks will be 100 feet or 500 feet. She noted that the rules and regulations are different for 100 feet versus 500 feet. Dr. Klopatek stated that regardless of the setbacks, the smell will affect the Nation if it is an open plant. She mentioned that feasibility requires the applicant to first demonstrate that the recharge well will work over the long-term, without causing undue financial harm or environmental damage to surrounding areas. Dr. Klopatek stated that the Goldfield Preserve has one recharge well. She added that the amount of effluent that is going to be produced cannot be handled by one recharge well. Dr. Klopatek noted that the Goldfield Preserve has one back up well. She commented that there are three wells in one depiction; however, the third well is not defined. Dr. Klopatek stated that in the 12 pages of the document, there is only one well and one backup well.

Dr. Klopatek stated that the Nation studied injection wells in terms of feasibility. She indicated that these wells need to be cleaned on average every six months which can cost from $100,000 to $150,000 each. She mentioned that those costs will exceed the O&M costs provided. Dr. Klopatek commented on other injection wells around the area that have had problems and the costs associated with them. She stated that the MAG document asks if similar facilities are feasible. Dr. Klopatek added that the Goldfield Preserve did not address the question since injection wells at these sites are not feasible. She discussed the lack of a backup and redundancy plan. Dr. Klopatek provided an example of where the effluent could reach the Verde River.

Dr. Klopatek discussed the hydrology in the Goldfield Preserve Area. She mentioned the references provided in the letter submitted to the Nation on February 13, 2008. Dr. Klopatek stated that these references are what were used by the Nation to prove its point and show that the clay layer does not extend out to the Goldfield Preserve. Dr. Klopatek mentioned that the Nation looked at 17 different drill logs and not one proves the point of the Goldfield Preserve. She indicted that their hydrology is inaccurate. She mentioned that subflow is a sensitive issue. Dr. Klopatek stated that the Nation feels that the water the Goldfield Preserve will be using will come from subflow. She added that the Salt River Project (SRP) is against the development in terms of water quantity and discussed it in the Board of Supervisors hearing. Dr. Klopatek indicated that after looking at the modeling, the Nation concluded that the recharged water will intercept subflow and go back to the Verde River which is the water the Nation uses for potable water. She commented on hydrology and the 400 foot confining layer. Dr. Klopatek stated that there is no 400 foot confining layer.

Dr. Klopatek discussed the 208 small plant criteria question of do nearby existing or proposed land uses indicate a need for a larger capacity sewage plant than that proposed. She stated that the Goldfield Preserve has not conducted land area planning. Dr. Klopatek discussed the problems with septic systems and lead fields. She indicated that Parcels C and D will be on septic and there are other areas in the Goldfield Ranch that eventually will be brought into a small plant since there will be problems in the future. Dr. Klopatek mentioned the 208 small plant criteria question of should nearby areas be sewered or otherwise join the proposed plant for water quality or economic reasons. She stated that this is a land area planning issue and the Goldfield Preserve failed to address the question. Dr. Klopatek discussed the 208 small plant criteria question of do these areas wish to join the proposed plant. She indicated that the Goldfield Preserve has not asked these areas. Dr.

Klopatek mentioned the 208 small plant criteria question of who will fund construction. The applicant replied that Goldfield Preserve Development, LLC will be responsible for financing the wastewater infrastructure and the proposed water reclamation facility. Dr. Klopatek commented on the document in Appendix F. She stated that most of the funding was used to purchase the land and very little was left for development costs. She added that the Goldfield Preserve has a 10.5 percent interest rate over the last year and one-half. She indicated that the Goldfield Preserve does not prove financial capability and has not provided any documentation since 2006 in terms of financial capability. Dr. Klopatek stated that the assumption is that there is no cash on hand.

Dr. Klopatek discussed the 208 small plant criteria question of who will fund operation and maintenance costs. The applicant responded that the Goldfield Preserve Improvement District will fund the operation and maintenance costs associated with the WRF as a County Improvement District (CID). Dr. Klopatek added that this is not provided in the document. She mentioned that since the treatment system is not defined, the corresponding O&M costs cannot be defined. Dr. Klopatek inquired about the entity that will fund and manage the O&M in the short-term and long-term. She stated that the Golfield Preserve failed to answer the question in the document. Dr. Klopatek asked if the CID was ultimately the same as the HOA. She mentioned the 208 small plant criteria question of is there adequate financial security to assure continual and proper operation and maintenance. The applicant responded that the Goldfield Preserve Improvement District will have the financial security for the continual and proper operation and maintenance and will be supplemented if needed by the developer. Dr. Klopatek commented that the questions are: who is the existing financial entity; what is the basis for financial security; and where is the assurance of a long-term developer involvement.

Dr. Klopatek discussed the 208 small plant review criteria question of who will operate and maintain the plant and system. Dr. Klopatek stated that the Goldfield Preserve has indicated that the facility will be maintained and operated by A Quality Water Company. She added that there is no contract for operation. She commented that the Goldfield Preserve has not discussed if the company will have local operators and who they will contract with to supervise the operating company. Dr. Klopatek inquired if the proposed company will dissolve in 2010 as indicated in the Arizona Corporation Commission records. She stated that A Quality still has a dissolve date of 2010 and it has not been clarified as stated in the response the Nation received to its October 2, 2007 letter. Dr. Klopatek added that the Nation is concerned with who will operate the facility. She mentioned that another question that remains unanswered is information on the required site engineer. She commented on State regulations and the requirements.

Dr. Klopatek mentioned the 208 small plant review criteria question of what are the anticipated capital and operation and maintenance costs. She added that the Goldfield Preserve has indicated a range for capital cost of $5 million to $10 million. Dr. Klopatek commented on the Goldfield Preserve providing a range and not knowing the kind of plant that will be built. She indicated that with regard to the $250,000 to $300,000 range for operating costs, Goldfield has already gone past that amount in terms of cleaning injection wells. Dr. Klopatek commented on the Maricopa County letter which states that the proposed WRF does not conflict with Maricopa County plans for the area. She stated that this statement is misleading since the letter does not address any of the MAG small plant review questions including, but not limited to, area planning. Dr. Klopatek added that the letter

does not address the relationship between the proposed WRF and existing/proposed septic systems in the planning area. In addition, the Nation's issues were not addressed.

Dr. Klopatek discussed County Improvement District issues. She mentioned that the applicant has stated that the Goldfield Preserve Improvement District will have the financial security. Dr. Klopatek added that no other small plants within a CID have ever gone before MAG. She commented on the CID and the different entities. Dr. Klopatek indicated that the Superintendent of Streets, not the Maricopa County Environmental Services Department, is in charge of the CID. Dr. Klopatek mentioned that the CID material submitted to the County does not establish financial capability. She indicated that at build-out, the applicant must convey the facilities at no cost. As proposed, the property owners will need to petition the Board of Supervisors to convert the County Improvement District to a Domestic Water Improvement District (DWID) with their own Board of Directors (i.e., HOA). Dr. Klopatek stated that the small plant concept is to reduce the number of plants built by developers and handed over to HOAs.

Vivian Saunders, Salt River Pima-Maricopa Indian Community, stated that Diane Enos, President of the SRPMIC, will provide closing remarks and Ondrea Barber, SRPMIC, will be addressing the technical issues with regard to the Goldfield Preserve project. She noted that the Committee has been provided with copies of the presentation, a color map, a letter to Chairman Klingler, a letter to Mr. Don Kile, and a U.S. Fish and Wildlife news release. Ms. Saunders stated that the SRPMIC made a verbal request for all water documents from the developer. She mentioned that the Development Master Plan was received. Ms. Saunders indicated that the Salt River Pima-Maricopa Indian Community requested via letter, the Master Wastewater Report, Master Potable Water Report, any related Arizona Department of Water Resources (ADWR) information, the Assured Water Supply Analysis, and prior draft Development Master Plans from the developer. She commented that all of these documents were necessary in order to assess the impacts of the proposed project. Ms. Saunders noted that the developer did provide hard copies of the documentation that was requested. She stated that a meeting was held on January 29, 2008 between the SRPMIC and the Goldfield Preserve. Ms. Saunders thanked all of the parties. She added that it is the intent of the Salt River Pima-Maricopa Indian Community to look at the matter in terms of the health and safety of the Community members.

Ms. Barber presented a map of the area and discussed the proximity of Salt River Pima-Maricopa Indian Community to the Goldfield Preserve. She stated that the direction of the groundwater flow in the area is from north to south to southwest which goes directly to the SRPMIC. Ms. Barber added that the SRPMIC is concerned because its drinking water supply currently comes from groundwater. She commented that the northeastern portion of the SRPMIC lies within the Fountain Hills Subbasin along with the Fort McDowell Yavapai Nation, portions of Fountain Hills, and the development of Goldfield Ranch. Ms. Barber provided the scope for the MAG Water Quality Advisory Committee. She indicated that the concerns of the SRPMIC are consistent with the scope of the Committee.

Ms. Barber stated that there a four main points of concern to the SRPMIC. She added that the issues will be presented with information provided from the developer in the 208 application along with additional information from ADWR and other state agencies. The first main point is the potential impacts to drinking water. Ms. Barber mentioned that drinking water is vital to any community and

the SRPMIC relies on groundwater resources for safe drinking water. The second point is the hydrologic connection of aquifer to the Verde River (surface water quality). Ms. Barber commented that the information provided by the developer and other state agencies does not substantiate that the aquifer is confined and that there is no connectivity to the Verde River. Therefore, surface water is also a concern to the Salt River Pima-Maricopa Indian Community. Ms. Barber stated that the third point is the lower aquifer and its impact to the Community and the fourth point is the desert nesting bald eagles.

Ms. Barber discussed the potential impacts to drinking water. She stated that there are wells throughout the Community, with some in the northeast portion that are close to the Golfield Preserve proposed facility and recharge wells. Ms. Barber added that the Salt River Pima-Maricopa Indian Community is concerned about the connectivity to surface water but groundwater is a major concern. She commented on the close proximity to the City of Phoenix Verde Treatment Plant and the amount of water supplied by the facility. Ms. Barber discussed the hydrologic connection to the Verde River. She stated that in the 208 application and ADWR reports, the clay layer does not appear to confine the aquifer and there does appears to be connectivity to the Verde River. Ms. Barber added that in the meeting held on January 29, 2008, the SRPMIC asked for additional information to support the claim of the Goldfield Preserve that the clay layer does confine the aquifer and that there is no connectivity to the Verde River. She indicated that the Goldfield Preserve was unable to provide additional information. Ms. Barber commented that the Salt River Pima-Maricopa Indian Community feels strongly that there is a connection to the Verde River based on the information that is available. She stated that this is a concern to the SRPMIC and others that hold the Verde River as well as the Salt River in high regard.

Ms. Barber discussed the lower aquifer unit and the SRPMIC groundwater. She stated that the effluent will end up in the same hydrogeologic unit within the northeastern portion of the Community. Ms. Barber indicated that there are wells in this area that the SRPMIC utilizes. She commented on the direction of the groundwater being from north to south to southwest and going toward the SRPMIC drinking water supply. Ms. Barber discussed the desert nesting bald eagle. She mentioned that the desert nesting bald eagle was placed back on the endangered species list for a period of 12 months for further assessment. Ms. Barber stated that there are pairs of desert nesting bald eagles within the Salt River Pima-Maricopa Indian Community and the Fort McDowell Yavapai Nation. She added that the SRPMIC feels strongly about protecting this important resource for the Community and future generations. Ms. Barber mentioned that there could be potential negative impacts on the desert nesting bald eagles and the ecosystem overall from byproducts and pharmaceuticals that will go untreated and eventually be recharged into the groundwater. She commented on recent news stories and independent studies that will be performed by some cities regarding the issue of pharmaceuticals and other byproducts in water. Ms. Barber stated that the SRPMIC spoke with the developer on the issue and the developer has indicated that they will comply with any regulations; however, there are no regulations in place to provide safeguards to address pharmaceuticals and other byproducts. She added that any recharge should take the matter into account, address the issues and be proactive.

Ms. Barber stated that the Salt River Pima-Maricopa Indian Community believes that there is a lack of information to adequately address the concerns that the Community has raised throughout the course of the 208 process. She added that the SRPMIC believes that there is a high potential for

negative impacts to the Community and its water resources, both groundwater and surface water. Ms. Barber indicated that the SRPMIC does not support the Preserve at Goldfield Ranch 208 application as it stands. She added that there is not enough information to address their concerns.

Chair Klingler referred to the concern about the confining layer that was mentioned by the SRPMIC and the Nation. He inquired about the documentation the SRPMIC used for its conclusion on the confining layer and asked if it was the same information used by the Nation. Ms. Barber responded that the SRPMIC looked at the information provided by the developer in the 208 application as well as resources from other state agencies, including ADWR. She stated that the information reviewed does not adequately address the confining layer and in fact verifies that the confining layer thins out in areas so that there is not a confining layer.

David Iwanski, City of Goodyear, commented on the northeast well field. He inquired about the distance between the capture zone related to the pumping in the northeast well field and where the applicant is planning to recharge. Ms. Barber replied that the 208 application does not provide a specific location; however, the distance from the nearest wells to the development is less than three miles.

Diane Enos, President of the Salt River Pima-Maricopa Indian Community, thanked the Committee for the opportunity to provide a presentation. She stated that the Salt River Pima-Maricopa Indian Community is concerned with water quantity and water quality. President Enos indicated that the health and welfare of the people in the SRPMIC depends on the delivering of good, adequate and healthy supply of water. She added that the drinking water of the Community comes from the groundwater and that is where a lot of its concern rests. She indicated that there are also concerns with the Verde River and Salt River. President Enos mentioned that the Community has consistently asked the same questions and has raised its concerns with all agencies. She stated that those concerns that have been raised repeatedly have not been adequately addressed. President Enos commented that the Community cannot rely on responses such as "we will figure it out later," "to the extent feasible," or "those issues will be addressed at the next level." She stated that these responses do not provide enough information to evaluate the application and its potential effects. President Enos added that developers and homeowners will come and go, but the people of the SRPMIC have always been there, continue to be there, and intend to be there. She commented that the SRPMIC works hard to protect its resources and will continue to do so. President Enos indicated that she is before the Committee representing the people of the Salt River Pima-Maricopa Indian Community and they object to the 208 application.

Chair Klingler recognized public comment from Kathy Haines. Ms. Haines stated that wastewater treatment plants should not be approved until input has been received from landowners in the entire Goldfield area and the treatment plant should be built to meet future needs of the entire area. She discussed the location of the Goldfield Ranch and noted that it has serious infrastructure problems. She mentioned that public water and sewer are among the most crucial problems. Ms. Haines commented that groundwater and hauling are the only source of water in the area. She stated that the developer has so far refused to consider other water sources for the proposed development of over 950 homes. Ms. Haines indicated that serious and in-depth review and methods of prevention of contamination of the groundwater supply by the local area septic and water treatment system must be exhausted. She mentioned that since Goldfield Ranch is an isolated island, the 208 consideration

of growth needs, constraints, and effects of the wastewater treatment system must be based on the area as a whole and not on an isolated part. Ms. Haines indicated that the MAG 208 Plan is an initiative that protects the region. She stated that the benefits to an area perspective are also supported by statements made by Dr. Klopatek, which economically will reduce the need for other plants in the future. Ms. Haines commented on Chapter 4.6.2, Environmental Consequences of Point Source Plan, of the MAG 208 Plan. She added that this chapter identifies numerous benefits to the point source as compared to no action, septic, which strongly support future planning for the whole Goldfield area. Ms. Haines discussed examples of the benefits in the chapter including: with proper regulatory programs, surface water and groundwater quality would be benefitted; groundwater supplies would be improved through additional recharge; there would be significant targeted impact on public health; economic activity would increase; and the system would be available before it can be utilized saving the area substantial future land acquisition costs. She indicated that in support of this, MAG should consider that Goldfield development is reasonably new and broken down septic systems have not yet become a threat to the water supply. Ms. Haines stated that these septic systems will go bad in the future. She added that MAG would be neglectful of its responsibilities if it does not consider the whole area.

Chair Klingler recognized public comment from Randy Haines. Mr. Haines stated that one of the primary planning purposes of MAG 208 Small Plant Review Process is to avoid an uncontrolled proliferation of small plants that could cause problems in the future and should be prevented. He added that in order to accomplish this goal, the Small Plant Process requires the applicant to evaluate whether the nearby areas should be sewered and the feasibility of them joining the district. Mr. Haines commented that the application fails to evaluate the nearby areas. He indicated that the only analysis in the document is in paragraph 3.2.2. on page 9 which references the neighboring five acres parcels that already have septics. He indicated that the applicant suggests that these neighbors do not want to join the district. Mr. Haines commented on that being the entirety of the analysis of the nearby areas that need to be evaluated. He stated that the Goldfield Preserve fails to analyze the 80 acre parcel immediately adjacent to the west of this development. Mr. Haines added that the 80 acre parcel is owned by Grayhawk, who has filed in the land use planning process a plan to build 160 homes, which is two homes per acre. He mentioned that the 80 acre parcel would exceed the capacity of this wastewater treatment plant. Mr. Haines indicated that the analysis also fails to address a 40 acre parcel that is located immediately adjacent to the northeast boundary of this project. He commented that there is no analysis of another four 40 acre parcels on the north side of the Beeline Highway or the three large parcels on the south side of the Beeline Highway. Mr. Haines mentioned that one of the parcels south of the Beeline Highway is under the same DMP calling for 18 acres to be zoned commercial that would need to be sewered. He noted that the 80 acre parcel would also have to be sewered since it would be one-half acre per home. He indicated that there is no analysis whether these areas should be sewered and connect to the facility. Mr. Haines stated that there is no analysis of the other large parcels owned by Ellman Companies, two of which are on the north side of the Beeline Highway and are not mentioned. He added that Parcels C and D are on the south side and are excluded with no explanation. Mr. Haines indicated that without this analysis this cannot be approved since it has not satisfied the requirements and it is not technically sufficient. He presented a map of the aforementioned parcels.

Chair Klingler recognized public comment from Leslie Cantrell. Ms. Cantrell stated that she is the owner of a lot in Goldfield Ranch and lives in Scottsdale. She indicated that she is quite upset and

stated that she was never notified. She added that her lot is close to where the developer is building. Ms. Cantrell commented on the lack of notices. She thanked the Committee for the opportunity to inform them of her concerns on possible contamination of the groundwater and the Verde River. Ms. Cantrell indicated that there is not adequate capacity and planning for the facility. She added that the welfare of existing and future homeowners needs to be addressed honestly and openly.

Chair Klingler recognized public comment from Deborah Sedlmayer. Ms. Sedlmayer stated that she is a neighbor to the project being developed. She indicated that she was not notified of the Committee meeting or the Small Plant Review and Approval Process. Ms. Sedlmayer stated that she is in favor of a responsible development. She added that it enhances the property values. Ms. Sedlmayer mentioned that people move to Goldfield Ranch to live with their horses and enjoy the desert. She commented that she needs MAG to protect and defend her clean water and asked the Committee to stand tall and not give in to big business and developers. Ms. Sedlmayer indicated that she relies on various government agencies to protect her. She stated that she understood that the reason for their formation was to protect and not to improve the tax base for the County or the State. Ms. Sedlmayer added that their feedback as property owners is necessary for the Small Plant Process. She mentioned that none of the neighbors she has spoken with were aware of the meeting and this is unacceptable. Ms. Sedlmayer indicated that her concern is that the plan will be a too small treatment plant with no overflow protection. She commented on the plant being a nonmunicipal plant, which historically have more accidental releases of raw sewage. Ms. Sedlmayer added that Goldfield Ranch cannot afford to have their groundwater, the Verde River, and the Nation contaminated. She mentioned that more studies need to be done, more test wells need to be drilled, and an independent study needs to be completed to confirm or not confirm the presence of a confining layer. She added that the application needs much more research before considering granting it. Ms. Sedlmayer indicated that more people need to be informed of their right to be heard on this subject, which is much too important of an issue to be decided in haste or in secret. She requested time for the Committee, private landowners, the Nation, and Ellman to get more information and studies. Ms. Sedlmayer requested that the Committee stand to protect their water and air from the potential foulness that this developer proposes by a short sighted plan. She asked that the Committee say no.

Chair Klingler recognized public comment card from Dr. Steven Feyrer-Melk. Dr. Feyrer-Melk stated that he is not a president of a nation but a dad of a family that lives in Goldfield Ranch. He added that he is raising his family in Goldfield Ranch. Dr. Feyrer-Melk commented on the inconsistencies of the application which scare him. He mentioned that the property owners are voicing their concerns to the Committee since that is all they can do. Dr. Feyrer-Melk indicated that he keeps hearing it will be figured out at the next level. He stated that the concerns have to be addressed. Dr. Feyrer-Melk added that he would like the Committee to address injection wells and the clay layers which scare him. He indicated that his water is between the clay layers. Dr. Feyrer-Melk discussed water quality when selling his property in Goldfield Ranch. He mentioned that he needs some protection and he hopes the Committee has the foresight and determination to give that assurance. Dr. Feyrer-Melk stated that when the DMP was approved in 1995, which included the treatment plant and the golf courses, etcetera, he sat in the Board of Supervisors meeting where they basically said it could never be built. He indicated that we are basing what is happening today on a pipe dream. He added that Goldfield Ranch has R-190 zoning, which is one house per five acres with septic tanks. Dr. Feyrer-Melk mentioned that if there is a better way to keep the water clean,

then everyone needs to be involved and nobody wants to pollute the air. He commented on the desert nesting bald eagles and said his kids have names for them. Dr. Feyrer-Melk indicated that a polluted river will impact everyone. He stated that he is against the approval of the plant. He commented on it being so far off from the reality of what it will really be like in the area. Dr. Feyrer-Melk added that he did not see how months of planning and changing will make this any better for the residents of Goldfield Ranch.

Chair Klingler recognized public comment from Doug Reiner. Mr. Reiner stated that he is a resident in Goldfield Ranch and a neighbor of the proposed development. He added that his confidence in the project has not grown. Mr. Reiner indicated that the most powerful recommendation has come from legal rather than the technical aspects of the proposal. He mentioned that the technical questions being raised are substantial and the logic that supports failing to answer these questions is thin. Mr. Reiner respectfully requested that the application be denied at this time in favor of some sincere and in-depth evaluation.

Ms. Riddell stated that one of the key concerns relevant to the Committee's charter is water quality. She introduced the hydrologist for the Goldfield Preserve, Bill Greenslade, Southwest Ground-water Consultants. Mr. Greenslade commented on the existing water quality and the protections that exist for what is being proposed. He stated that the Golfield Preserve is going to have to meet the standard that is set in law and is administered by ADEQ and ADWR before a treatment plant is built or water is recharged. Mr. Greenslade added that the discharge cannot pollute the groundwater. He indicated that there are several things that will be used in order not to pollute the groundwater. Mr. Greenslade mentioned that the Goldfield Preserve will use the engineering tools that are available in building treatment plants, which are commonly built. He stated that the effluent generated from the plant will meet the Aquifer Water Quality Standards that are essentially the same as the maximum contaminant levels for drinking water. Mr. Greenslade added that there are engineering activities that will take place that will ensure that the effluent from the plant will not contaminate the groundwater or surface water.

Mr. Greenslade indicated that the site itself provides some additional assurances that this plant can be operated without concerns of contaminating the existing water supply, surface or groundwater. He provided an illustration of the conditions beneath the Preserve at Goldfield Ranch and how the recharge system will work relative to the water supply system. He discussed the upper alluvial aquifer that exists beneath the site, the clay and limestone formation that exists below the upper alluvial aquifer, and the deeper fanglomerate aquifer which is a semi-cemented formation. Mr. Greenslade stated that the project is located within the Fountain Hills Subbasin. He added that geologically, the basin was at one time closed, before the Verde River and the Salt River traversed the area and drained the surface drainage system. Mr. Greenslade indicated that at that time, water from the surrounding mountains moved into the center of the basin and deposited the rocks that are currently there. He mentioned that initially, it deposited the coarse materials, the fanglomerate. Mr. Greenslade stated that there was a period of time that fine grain materials (playa materials) were deposited and formed the playa deposit inside the basin. He indicated that the stream energy then increased and there was the deposition of more course materials, the upper alluvial material. He added that there is evidence that exists for the deposits and the concept of the hydrogeology that exists beneath the property.

Mr. Greenslade showed that the Golfield Preserve will have a water supply well that is going to be withdrawing 732 acre feet per year at buildout. He stated that a portion of the water will be recharged, approximately 300 acre feet per year. He indicated that when more water is pumped than what is being injected, the cone of depression that is going to form around the water supply well will capture the water that is being injected. Mr. Greenslade commented that the point where water is being withdrawn and where the water is being injected is only about a mile apart. He discussed the fanglomerate aquifer where the Goldfield Preserve will be recharging and withdrawing water. Mr. Greenslade commented on the cone of depression from the pumping well. He indicated that the recharged water creates a little mound, which is not big enough to escape the larger cone of depression formed by the water supply well. He stated that this is an additional assurance that surrounding surface water and groundwater will not be impacted by this project.

Mr. Greenslade presented the locations of the wells. He stated that the current plan is for two water supply wells. He added that the map demonstrates three wells in case there is a need for a third well. Mr. Greenslade mentioned that the wastewater treatment facility is located about a mile away from the nearest well. He indicated that there will be monitor wells, which is the third area of protection that exists. Mr. Greenslade noted that ADEQ and ADWR will require monitor wells to be installed prior to the operation of the facility. He stated that the monitor wells will record the ambient water quality conditions prior to the start up of the facility and will monitor the groundwater conditions after the operation of the facility. Mr. Greenslade added that alert levels are included in the permits, which are for contaminants that are lower than the regulatory standards. He indicated that the idea of the alert levels is that if an alert level is exceeded, there is time to do something about it. Mr. Greenslade mentioned that this is another area of protection for the groundwater and surface water systems. He indicated that recharge of effluent is becoming more common and provides good stewardship of managing the water resources in the desert. He stated that instead of allowing water to evaporate in ponds or lakes the Goldfield Preserve will place it back into the ground, which means that there will be less pumping. Mr. Greenslade commented on the number of effluent recharge projects in the Valley and indicated that the technology is well known.

Ms. Riddell stated that the second issue raised was the financial feasibility of the project and the financial documentation that was provided by the developer. She added that after the second hearing, the Goldfield Preserve wanted to take a look at the financial concern in greater detail. Ms. Riddell indicated that the Goldfield Preserve met with MAG staff. She added that at the meeting, MAG provided the Goldfield Preserve with five copies of small plant documents that have been approved. She mentioned that the Goldfield Preserve looked at the applications and compared them. She added that the Goldfield Preserve has prepared a quick matrix of how it compares to the other documents. Ms. Riddell discussed the Goldfield Preserve facility financing. She stated that the developer is funding the capital costs and the County Improvement District, which is the Maricopa County Board of Supervisors, is established for ongoing maintenance and operation. Ms. Riddell added that there are user fees that will be based on land ownership.

Ms. Riddell indicated that the Goldfield Preserve provided a letter of financial assurance, a Consolidated Financial Report as well as an independent auditor's assessment of report. Ms. Riddell mentioned that when the Goldfield Preserve financial documentation is compared to other small plant packages that have been approved, the Goldfield Preserve is consistent with the documentation that was provided. She stated that Quintero Golf and Country Club provided a text statement

indicating that the developer would fund construction. She added that Desert Oasis provided a financial statement; however, it was not for the entity that was funding the facility. Ms. Riddell commented that the Ruth Fisher School WWTP document provided a letter from the school superintendent indicating that there was sufficient capital. She indicated that the Estates at Lakeside document provided a financial statement indicating equity assets in the amount of $100,000 which would not be sufficient to build the kind of facility that was contemplated at that time. Ms. Riddell mentioned that Scorpion Bay provided a letter from the bank indicating it will be funding 80 percent of the construction. She stated that the Goldfield Preserve provided documentation indicating equity assets in excess of $4.8 million. Ms. Riddell added that the Goldfield Preserve is consistent with what the Committee has approved in terms of financial capability.

Ms. Riddell presented a comparison of operation and maintenance costs from approved 208 small plant applications. She discussed the types of information provided and indicated that the range is large. She stated that the Goldfield Preserve is consistent with what the Committee and ultimately the Regional Council has approved. Ms. Riddell stated that another tribal comment asked why Parcels C & D were not included. She indicated that Parcels C and D are owned by the Goldfield Preserve Development, LLC. Ms. Riddell mentioned that the parcels are not planned for commercial development, but for large lot residential development. She demonstrated the location of the parcels. Ms. Riddell indicated that there are significant constraints that make it infeasible for the properties to connect to the facility. She stated that the area has a tremendous amount of topography. Ms. Riddell discussed the constraints that make it infeasible to connect the parcels which include: a ridge line that goes through the community, jurisdictional waters, and State Route 87. She added that another question is if there has been consideration on connecting the rest of Goldfield Ranch. Ms. Riddell indicated that the Goldfield Preserve has taken into consideration Goldfield Ranch; however, the same constraints apply. She mentioned that there is significant hydrologic and topographic constraints. Ms. Riddell commented on the constraints that have made it difficult to even include the additional area not in the original service area. She indicated that the area was included in response to a tribal comment; however, it is difficult. She showed the locations of the five acre or larger home sites. Ms. Riddell commented on the recently approved area plan that helped to ensure that it maintained this rural characteristic. She stated that there is different ownership entities and there is limited access to these parcels that do not coincide with the fall of the land. Ms. Riddell added that the Goldfield Preserve was able to put easements and lines where needed to accommodate the natural fall of the land within its own site. She indicated that ample consideration was given; however, it is economically infeasible to add the area.

Chair Klingler inquired about the parcel to the west of the Goldfield Preserve that was not included in Parcels A or B, but on the same side of the ridge line. Ms. Riddell replied that there are two parcels to the west of the Goldfield Preserve. She stated that one parcel on the west is owned by the Fort McDowell Yavapai Nation which is fee land and not reservation land. She stated that the Goldfield Preserve is not aware of any development plans associated with the property. Ms. Riddell added that the other parcel is an 80 acre site owned by Grayhawk. She commented on the language that was included within the documentation indicating limited opportunity. Ms. Riddell stated that the language was vague for a reason and there may be places where it is appropriate for the Goldfield Preserve to take into consideration. She mentioned that the 80 acre property is currently planned for five acres or larger. Ms. Riddell stated that the Goldfield Preserve is not aware of any development plans and they so speak with Grayhawk with some regularity. She added that to the best of their

knowledge, Grayhawk has not filed any development plans for that site, other than it is zoned one home per five acres, which is roughly 18 homes. Chair Klingler inquired about another 40 acre parcel to the northeast that is still west of the ridge line. Ms. Riddell replied that the Goldfield Preserve is not aware of the ownership of that property. She added that the property is not owned by the Goldfield Preserve Development, LLC. Chair Klingler inquired if there is any information on the property. Ms. Riddell responded that there is no further information on the property. She indicated that the parcel is in the middle of the topography that exists within the area.

Ms. Riddell stated that the Goldfield Preserve is grateful that the community is supportive of a sewer system in the area. She commented on the concern about notification. Ms. Riddell added that the MAG process does not require any direct notification; however, this is not taking place in secret. She discussed a meeting held in December 2006. Ms. Riddell mentioned that a sign-in sheet was available which included signatures from Representative Haines and Mr. Sedlmayer. She stated that at the meeting, it was discussed extensively about the fact that the Goldfield Preserve would be required to go through the MAG process and approval for a small package plant. She indicated that the information was not in secret and well known through the development process. Ms. Riddell stated that another concern was that no letter was provided to the Fort McDowell Yavapai Nation to determine the impacts to the Nation's facility. She added that a letter was provided that accompanied a copy of the 208 application. Ms. Riddell commented that numerous meetings occurred where President Bear indicated that the Nation did not want to service the Goldfield Preserve property. She also discussed the river system, topographic constraints, the facility owned by the Nation, and the Beeline Highway that would make it infeasible and environmentally irresponsible to connect.

Ms. Riddell stated that another concern mentioned is on a contingency plan not being provided. She mentioned that there are other jurisdictions and processes that are required which include an Aquifer Protection Permit and an Underground Storage Facilities Permit. Ms. Riddell indicated that the Goldfield Preserve will be required to provide significant engineering detail when going through these processes. She mentioned that many of the questions that have been asked will be answered at that time. Ms. Riddell commented that the Goldfield Preserve will have a contingency plan. She stated that the contingency plan will include stormwater management and Best Management Practices, monitoring and sampling plan, reporting requirements, and any catastrophic failure will be contained onsite. Ms. Riddell added that the redundancy is factored into the engineering design. She indicated that the design operating capacity will be two times the average day and a standby generator will be onsite.

Ms. Riddell commented that another concern mentioned is mounding and biological clogging. She stated that mounding and biological clogging will be addressed in detail at the time of the APP and the USF. Ms. Riddell added that the USF application requires a demonstration of no unreasonable harm and a mounding analysis to estimate the area of potential impact. She mentioned that quarterly measurement and reporting of water levels including alert levels is required. Ms. Riddell indicated that mounding is an issue when water levels approach within 10 to 20 feet of the ground surface. She stated that the depth to the groundwater is approximately 300 feet in the Goldfield Preserve area. Ms. Riddell added that recharge will be to the lower, confined aquifer. She indicated that biological clogging is minimized through filtration, disinfection and proper operation and maintenance. Ms. Riddell commented that this is common practice and provided examples.

Ms. Riddell discussed the comment on providing a detailed site plan. She stated that a conceptual site plan has been provided and details are forthcoming through the APP and USF. Ms. Riddell added that the applications are currently in process. She indicated that another concern is Arizona Corporation Commission documents that indicate that A Quality Water Company may dissolve in 2010. Ms. Riddell mentioned that the ultimate oversight is held with the Maricopa County Board of Supervisors. She stated that the Board of Supervisors is the County Improvement District, which ensures that the provider is appropriately hired and the situation is well managed. Ms. Riddell addressed the comment about providing additional hydrogeologic information. She indicated that additional information will be provided at the time of the USF and the APP. She commented that a concern specifically raised by the Salt River Pima-Maricopa Indian Community is whether groundwater level decline will affect the Community's water resources. Ms. Riddell mentioned that water is a sensitive issue and important to the Tribal Communities. She indicated that the Goldfield Preserve is respectful of the water sensitivity issue. Ms. Riddell stated that water quality is within the purview of the Committee. She added that water quantity is not within the purview of the Committee; however, it is regulated under ADWR and the Groundwater Management Act which precludes impacts to adjacent wells or users. Ms. Riddell mentioned that another concern is that stormwater and irrigation water may percolate into the upper/middle aquifer units and impact the Verde River. She indicated that this does not pertain to the 208 application. Ms. Riddell assured the Community and the Committee that drainage and irrigation system designs provide for retention of stormwater flows onsite. She stated that this is a review that the Golfield Preserve is currently going through at Maricopa County in both the Planning and Development Department and the Flood Control District.

Ms. Riddell stated that another comment was that the report failed to assess if a connection exists between the Fountain Hills Subbasin and the adjacent subbasins within the Phoenix Active Management Area that may impact water quality. She asked Mr. Greenslade to address the comment. Mr. Greenslade indicated that the clay layer has been named by other geologists and it is called the Pemberton Clay. He stated that Southwest Ground-water Consultants has done drilling on the site, and drilled a well in Parcel C. Mr. Greenslade noted that three wells were drilled in 1985 on the main property, close to the location of the proposed water wells. He added that the wells were drilled by Montgomery and Associates. Mr. Greenslade mentioned that all of the wells penetrated the top of the clay unit and defined the hydrogeologic conditions that exist beneath the Goldfield Preserve property. He indicated that the wells were drilled and logged under the supervision of geologists. He noted that the logs were quality logs and very detailed. Mr. Greenslade stated that there were also geophysical logs that were run in those wells that clearly demonstrate the presence of this unit. He added that some wells were drilled for Chaparral Water Company on the west side of the river. Mr. Greenslade mentioned that these wells also identify the same formation, which were logged by geologist and are very detailed. He indicated that the analyses by Chaparral Water Company, Montgomery and Associates, and Southwest Ground-water Consultants have been reviewed by ADWR and have been accepted. Mr. Greenslade noted that the reference materials that were provided clearly identify the presence of the Pemberton Clay Unit and describe how the basin was formed and how the sediments accumulated in the basin.

Mr. Greenslade presented an illustrative cross section that identifies the units that exist beneath the area. He stated that there are three basic units which are the upper alluvium, the clay limestone unit, and the lower fangolmerate unit. Mr. Greenslade added that the Goldfield Preserve will obtain its

water supply from the lower fanglomerate as does Fountain Hills. He indicated that most of the wells in Goldfield Ranch are in the upper unit. Mr. Greenslade stated that every well that has a driller's log has been reviewed by the Goldfield Preserve. He commented on the driller's logs. Mr. Greenslade presented the requirements that will have to be addressed in the Aquifer Protection Permit application. He added that this is an arduous task for all applicants and ADEQ is very detailed in its review. Mr. Greenslade indicated that the Goldfield Preserve will have to prove the technical capabilities, financial capabilities, and a contingency plan. He also discussed the alert levels and monitoring requirements. Mr. Greenslade presented a list of requirements in which the Goldfield Preserve will have to address as it proceeds through the APP process.

Ms. Riddell commented on the frustration of the community members about the process. She stated that there are other agencies that have jurisdiction over a number of the issues that were mentioned. Ms. Riddell added that the jurisdiction of the agencies are established by state law and administrative regulations. She mentioned that the statutory requirements of the APP Permit and the USF Permit were included in the presentation. Ms. Riddell indicated that the requirements are extensive, require significant detail, and are very specific about what needs to be included at the time of the APP and USF. She noted that the presentation includes a summary of what the Goldfield Preserve is required to include and it is not the entire administrative regulation which has greater detail. Ms. Riddell stated that the Committee was provided with the site plan. She commented on the concern of no setbacks and the information not been specifically provided. Ms. Riddell stated that the information was provided that shows an easement setback of 100 feet. She presented a map to remind the Committee and the community that this is the only practical, environmentally responsible and feasible solution to develop the property. Ms. Riddell mentioned that the application is consistent with other plans that the Committee has approved and is technically sufficient. She added that the application has met the criteria discussed in the first part of the presentation. Ms. Riddell respectfully requested approval of the application.

John Boyer, Pinnacle West Capital, commented on hearing two different sides of whether the confining unit is continuous or not. He referred to statements made by Mr. Greenslade about reviewing logs. Mr. Boyer commented on the wells and whether they went through the clay. He inquired if information was available on the thickness. Mr. Greenslade replied that out of the four wells that were drilled on the Goldfield Preserve property, three went through the clay so there is information on the thickness. He stated that the wells of Chaparral Water Company across the river also went through, so there is also information for that location. Mr. Greenslade indicated that other wells reviewed may have been deep enough; however, the wells mentioned have the best quality logs and geophysical data available.

Chair Klingler commented on the silt, clay and limestone layer. He mentioned the studies that were mentioned in the presentation and accepted by ADWR. Chair Klingler inquired if there is an explanation as to why Dr. Klopatek and Ms. Barber reached different conclusions than the Goldfield Preserve when reviewing the same data. Mr. Greenslade responded that it is clear, based on the data, that the playa deposit was formed geologically in the past and is extensive. He added that the best drilling that has been conducted by qualified hydrogeologists agrees with the conclusion.

Mr. Iwanski inquired if hydrology would change over a 20 plus year period given the fact that the three wells were drilled in 1985. Mr. Greenslade replied that the geology has not changed; however,

the water levels may change. He stated that this is one of the reasons they believe the Pemberton Clay, playa deposit, is a confining layer. Mr. Greenslade added that the water levels in 1985 that were measured in the wells drilled at the Goldfield Preserve property in the lower unit have not changed measurably in the time frame. He indicated that the Goldfield Preserve has remeasured the wells and the water levels are essentially the same as in 1985.

Dr. Klopatek commented on the Skotnicki Report. She stated that based on the report, the clay layer does not go over to the Golfield Preserve. Dr. Klopatek added that it stops short well before the Goldfield Preserve. She indicated that they went to ADWR and presented the information. Dr. Klopatek stated that ADWR indicated that there are no layers in those areas. She indicated that she has a copy of the comments from SRP and they disagree with the analysis of the Goldfield Preserve. Dr. Klopatek commented on the well qualified hydrologists at SRP and stated that they disagreed with the report.

Robin Stinnett, City of Avondale, commented on the submittal of information on the wells to ADWR. She inquired about the purpose for submitting the information and the basis for the acceptance. Mr. Greenslade replied that an Analysis of Assured Water Supply was completed and submitted to ADWR. He stated that in the analysis, the Goldfield Preserve presented the conceptual model of how the hydrologic system works. Mr. Greenslade added that the Goldfield Preserve had to analyze what the water level will be 100 years in the future based on the demands. He indicated that ADWR accepted the report and the analysis. Mr. Greenslade stated that the report included the conceptual model of how the system works. Ms. Stinnet inquired if the analysis addressed the clay layer. Mr. Greenslade replied that detailed cross sections were provided through the site extending from the west side of the river and north and south through the Goldfield Preserve area based on the drilling logs available. He stated that ADWR accepted the report and the Analysis of Assured Water Supply was approved. Ms. Stinnet inquired if the information that was distributed to the Committee was provided to the parties requesting it prior to the meeting. Ms. Riddell responded that the information was provided prior to the meeting. She indicated that a letter dated February 29, 2008 responded to the comments point by point. Ms. Riddell added that the information on the slides is a synopsis. She mentioned that the information was given to the Indian Communities.

Stephen Bontrager, City of Peoria, inquired if SRP had submitted anything on its concerns with the project. Ms. Hoffman responded that MAG has not received any written comments from SRP. Mr. Bontrager commented on the monitoring wells being downstream of the recharge wells and the production wells being upstream. He inquired about inserting a monitoring well between the recharge and drinking water wells. Mr. Greenslade responded that ADEQ and ADWR may require installation of additional monitor wells as the Goldfield Preserve proceeds through the detailed analysis and this happens frequently. He stated that the Goldfield Preserve will do what is required in order to meet the permit requirements.

Mr. Hollander stated that Dr. Klopatek indicated that the application did not address the regional wastewater planning concept. He added that Dr. Klopatek appears to support regional planning in general. Mr. Hollander mentioned that regional planning would call for potentially increasing the number of customers the facility would serve. He commented that the Nation and Community appear to object to all disposal options leaving no options available. He inquired if it would be infeasible for reuse to be the only effluent disposal method. Ms. Riddell responded that the

Goldfield Preserve has eliminated the golf course for the site. She added that the Goldfield Preserve will be reusing were it is feasible to reuse, but it is a limited area. Ms. Riddell indicated that reuse as the only disposal method is infeasible. Dr. Klopatek stated that the Nation never said do not put in a golf course. She indicated she wants to make it clear what was said at the meetings. Dr. Klopatek indicated that it was discussed with the Nation's CEO. She added that the Nation is not rejecting the plan. She indicated that the Nation is concerned if it is feasible and that they know it is not feasible in this area. Dr. Klopatek discussed the problems with the injection wells in Fountain Hills, which were mentioned earlier. She indicated that ADEQ has cited Fountain Hills and there is an issue in this area. She stated that the Fort McDowell Yavapai Nation is not objecting to the plant; however, the Nation wants to know the design of the plant, how the Goldfield Preserve will dispose of the wastewater, and how it will affect the Nation.

Mr. Hollander commented on the feasibility of increasing reuse. He stated that many entities including the City of Phoenix have concerns with direct recharge to an aquifer. Mr. Hollander inquired about the future feasibility of reuse to meet the needs. Ms. Riddell replied that the Goldfield Preserve has evaluated reuse. She stated that there is a stipulation associated with the DMP Amendment that specifically requires the Goldfield Preserve to reuse to the maximum extent feasible. Ms. Riddell indicated that the project was designed to leave the softest footprint possible. She mentioned that the Goldfield Preserve is developing in an environmentally responsible way. Ms. Riddell indicated that the Goldfield Preserve does not have a golf course or large turf areas. She stated that the Goldfield Preserve has tried to minimize the impact to the desert. Ms. Riddell indicated that there is only approximately 110 acre feet that will be considered for reuse which does not come close to meeting the demands of the Goldfield Preserve. She added that it is therefore not possible for reuse to meet the needs of the Goldfield Preserve. Ms. Riddell discussed the comments made by Dr. Klopatek and reminded her that she was not present in the initial meeting with President Bear but the discussion mentioned did occur. Dr. Klopatek replied that she was present at subsequent meetings when the issue was discussed.

Ms. Barber clarified that the Salt River Pima-Maricopa Indian Community is not objecting to the fact that there is a clay layer, it is the extent to which the clay layer exists. She commented that three wells clustered in one area do not convince the Community that the clay layer is extensive and extends to confine the aquifer.

Chair Klingler commented on the discussion that has occurred on the Draft Small Plant Review and Approval and the extension to have more dialogue between the Goldfield Preserve and the Indian Communities. He stated that the charge of the Committee is to make a recommendation. Mr. Iwanski thanked the applicant and their team, the presenters for the Fort McDowell Yavapai Nation and Salt River Pima-Maricopa Indian Community, and the neighbors for the information that was provided. He stated that there was a lot of information from both sides that was extremely helpful. He indicated that the Committee had delayed the item and now has a responsibility to vote yes or no. Mr. Iwanski added that the Committee could vote in terms of whether or not there are fatal flaws as the tribes and neighbors contend or whether there are technical merits of the application sufficient as reflected in the County sponsorship. Mr. Iwanski moved to make a recommendation for approval of the proposed Preserve at Goldfield Ranch Water Reclamation Facility as part of the MAG 208 Plan. Dale Bodiya, Maricopa County, seconded the motion. He added that the County is confident that the review process that is forthcoming will address the issues that are being raised and assured

they will be satisfied. He indicated that if they are not satisfied, the project will be stalled until they are satisfied.

Mr. Hollander stated that one concern that was expressed and is disturbing to him suggested a lack of confidence in the agencies that have further review in the process. He added that many facilities have been approved by such agencies. Mr. Hollander indicated that he understands the concerns of the Community and the City of Phoenix has had concerns and commented on projects where direct injection of effluent was going to occur. He mentioned that there is another review process and the Committee cannot do the detailed technical analysis that is being requested. Mr. Hollander commented that ADWR and ADEQ have hydrologists that perform this kind of analysis. He stated that the there are two critical issues: the level of technical detail necessary to consider approval and concern over the impacts of disposing reclaimed effluent to the aquifer.

Ms. Stinnett commented on the divergence of opinion. She also thanked all of the parties who provided information. Ms. Stinnett inquired about the extent to which everyone who was interested in receiving the information has had time to receive and absorb the information and the opportunity to ask questions. She indicated that this was a concern to her. She inquired at what point does the Committee stop asking technical questions and stop asking for clarification on divergence of opinion before moving forward. Chair Klingler responded that this small plant has received more attention than some of the large plants. He noted that this was the third discussion on the small plant. Chair Klingler commented on the amount of documentation and that he is satisfied he has seen all the information; however, he is not speaking for the Committee. He mentioned having a point where the Committee has had enough and stated that the Committee has provided a lot of opportunity for questions and there has been a lot of documentation to study. He added that if anyone was uncomfortable, they should let the Committee know and he can see how the Committee feels overall. Chair Klingler noted that there has been a lot of information and discussion on the small plant.

Russell Fletcher, City of Glendale, called for the vote on the motion. Chair Klingler stated that the motion is to recommend approval of the proposed Preserve at Goldfield Ranch Water Reclamation Facility as part of the MAG 208 Plan. The motion passed through a roll call vote of nine to seven, with Stephanie Prybyl, Town of Gilbert; David Johnson, Town of Buckeye; Ms. Stinnett; Mr. Bontrager; Dave Emon, City of El Mirage; Bill Fick, City of Mesa; and Chair Klingler voting no.

6. Call for Future Agenda Items

Chair Klingler asked for any suggestions for future agenda items. With no further comments, Chair Klingler thanked the Committee for participating and called for adjournment of the meeting at 5:59 p.m.

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April 24, 2008

TO: Members of the MAG Water Quality Advisory Committee

FROM: Julie A. Hoffman, Environmental Planner

SUBJECT: DRAFT MAG 208 WATER QUALITY MANAGEMENT PLAN AMENDMENT FOR THE TOWN OF CAVE CREEK WATER RECLAMATION FACILITY

On March 5, 2008, the Town of Cave Creek sent a letter to MAG requesting that the MAG 208 Water Quality Management Plan be amended to include the Cave Creek Water Reclamation Facility with an ultimate capacity of 2.25 million gallons per day. Reclaimed water from the proposed facility would be disposed of through reuse and Arizona Pollutant Discharge Elimination System Permit discharge points to the Galloway Wash and Cave Creek Wash. The facility would be located in the southwest quarter of Section 6 of Township 5 North, Range 4 East. The existing Cave Creek Wastewater Treatment Plant would be decommissioned once the new facility is operational. The project is located within three miles of the Town of Carefree, City of Phoenix, City of Scottsdale, and unincorporated Maricopa County, and all have indicated that they do not object to the proposed facility.

BACKGROUND INFORMATION

As described in the draft amendment, the facility would accept flow from the Town of Cave Creek Municipal Planning Area (MPA), which encompasses approximately 42 square miles. However, some areas within the MPA would not be sewered due to the undulating, hilly terrain and large lots with homes some distance from each other. Any future developments within the planning area would be connected to the sewer system.

The facility would consist of screening, grit removal, secondary treatment with biological nutrient removal, tertiary filtration, and chlorination/dechlorination. The biosolids will be aerobically digested and mechanically dewatered. Odor control equipment will also be utilized. Effluent would meet Class A+ Reclaimed Water Standards as stated in Arizona Administrative Code Title 18, Chapter 11, Article 3.

The Town of Cave Creek would finance the design, construction, and operations of the facility. After the construction is complete, Arizona American would operate the facility for a period of two years. Following the two year operations period, the facility would be turned over to the Town for operations and maintenance. The Town of Cave Creek may continue to contract with Arizona American, contract with another company, or provide Town personnel to operate and maintain the facility. A copy of the Draft 208 Plan Amendment has been provided. If there are any questions, please contact me at (602) 254-6300.

cc: MAG Intergovernmental Coordinators