

Areawide **WATER QUALITY** Management Plan



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Adopted Policies and Procedures

Table of Contents

EXECUTIVE SUMMARY.....	ES-1
Summary of Plan Contents	ES-1
Purpose	ES-2
About This Update	ES-2
INTRODUCTION.....	1
Purpose, Benefits, and Use of the 208 Plan	1
Impacts of the 208 Plan	1
Economic, Social, and Environmental Impacts of the 208 Plan Update	3
Required Elements in an Areawide Water Quality Management Plan	3
RESPONSIBILITIES	4
Designated Planning Agency Responsibilities.....	4
Designated Management Agency and Wastewater Management Utility Responsibilities	7
Wastewater Management Utilities.....	9
PROCEDURES FOR WATER RECLAMATION FACILITIES	10
Determining Appropriate 208 Process.....	10
Determining a Process for Public Facilities	13
Determining a Process for Private Wastewater Treatment	13
Consistency Reviews	13
Process A: Consistency Review and Data Update.....	17
Process B: Coordination Process for Public Facilities	19
Process C: Amendments.....	22
PROCESS DETAILS FOR ALL PROCEDURES.....	26
Appeal Process.....	26
208 Plan Consistency Procedure Processing Fees	27
Cross-DPA Coordination	28
DETAILED POLICIES AND PROCEDURES PER ENTITY TYPE	28
Private Wastewater Treatment	28
Procedures to Amend the 208 Plan for a Private Water Reclamation Facility	30
Public Facilities	30
Policies for New or Expanding Public Facilities.....	30
Policy for Evaluation of Maximum Flows for 208 Consistency	30
Policy Requiring Industrial Pretreatment for Large Facilities.....	31
Policies for Small Public Facilities.....	31
DMA or WMU	32
Procedure to Establish a DMA or WMU or Update Boundaries.....	32
208 Plan Updates	33
POLICIES AND PROCEDURES FOR MULTIPLE FACILITY TYPES	34
Cost Effectiveness and Financing	34
Integrated Planning.....	35
Public Participation and Stakeholder Involvement	36
Public Hearings and Public Notices	37
Advisory Group Composition.....	38
Title VI and Environmental Justice.....	39

Priority Waterbodies	41
Regionalization.....	44
Reuse of Effluent	44
Temporary Facilities and Conversion of On-Site Facilities	46
Industrial Facilities.....	46
Facilities Constructed Despite Lack of Conformance with 208 Plan	47
CONFORMITY BY OTHER REGULATED PROGRAMS.....	47
Aquifer Protection Permit Program	47
Small On-Site Wastewater Treatment Facilities Under APP Type 4 General Permit	48
Biosolids	50
AZPDES Permitting.....	50
Nonpoint Source Program.....	51
Municipal Stormwater Discharges.....	51
Groundwater Remediation Projects.....	52
Reclaimed Water Projects.....	52
Riparian Restoration Projects.....	52
De Minimis Discharges.....	52
Total Maximum Daily Loads	52

List of Figures

Figure 1. Map of Designated Planning Agencies in Arizona	5
Figure 2. Map of PAG 208 Planning Area Boundaries	6
Figure 3. PAG 208 Plan Decision Diagram for Permit Applicants.....	11
Figure 4. Flow Chart for PAG 208 Process A: Consistency Review and Data Update.....	18
Figure 5. Flow Chart for PAG 208 Process B: Coordination Process for Public Facilities.....	20
Figure 6. Flow Chart for PAG 208 Process C: Amendments	23
Figure 7. Map of Priority Streams and Outstanding Arizona Waters in Pima County	43

List of Tables

Table 1. Priority Waterbodies in Pima County	41
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APPENDICES

Appendix A: Water Quality Management
Appendix B: PAG 208 Planning History
Appendix C: Glossary and References

EXECUTIVE SUMMARY

Section 208 of the federal Water Pollution Control Act, commonly known as the Clean Water Act (CWA), directs states to designate agencies to conduct water quality management (WQM) planning in defined regions. As a Designated Planning Agency (DPA), the agency must prepare and implement an Areawide Water Quality Management Plan or “208 Plan”. Pima Association of Governments (PAG) is the DPA for Pima County, excluding Native American lands. While the adopted procedures for the 208 Plan primarily focus on maintaining consistency for water reclamation facilities, 208 Plans also address other potential pollutant sources, including solid waste disposal and urban stormwater runoff. PAG’s 208 Plan identifies water quality issues, progress made on issues, and recommended next steps.

Summary of Plan Contents

The 208 Plan is organized as follows to facilitate 208 Plan implementation.

Adopted Policies and Procedures compile policies and procedures upfront for new or expanded public and private wastewater treatment facilities to become consistent with the 208 Plan. Future updates to “Adopted Policies and Procedures” will require PAG Regional Council adoption.

The appendices, which contain the other required contents of a 208 Plan that are not related to policies or procedures, include the following:

- The Strategic Action Plan chapter identifies key current water quality issues and recommended actions to address them. The Strategic Action Plan encourages regional coordination and allocation of available funding to address needed efforts.
- The Water Quality and Management Efforts chapter comprehensively covers water quality conditions, data sources, past/ongoing actions to manage issues including solid waste.
- The Wastewater Facilities Planning chapter includes descriptions of management agencies, wastewater facilities, future population and flow projections, and methodologies.
- The Facility Inventory Report chapter includes detailed information for all wastewater facilities in the PAG DPA area including existing, closed, proposed and no longer planned facilities. The facility inventory component can also be explored on the Facility Inventory Portal, an interactive online geo-database that includes detailed facility descriptions, features sorting by Designated Management Agency (DMA) or watershed and generates printable facility reports.
- The Application Resources chapter includes application materials and resources for 208 Plan Amendments, the Public Coordination Process and 208 Consistency Reviews including guidance documents, template letters, checklists and forms.
- The Record of Changes chapter describes the major updates since the previous 208 Plan adoption, to ease the approval process and create a record of decisions.
- The History of Regulations and Authorities chapter includes regulatory requirements for 208 Plans, history of wastewater in Pima County and a summary of previous 208 Plans, amendments and policies.

- The Setting of Planning Area chapter describes the background of the environment, past population trends and current land uses within PAG's DPA area.
- The Public Participation Records include documentation of PAG's public participation activities in support of the 2020 208 Plan update.
- Glossary of Terms and Acronyms
- References

Purpose

Under federal and state environmental laws and regulations, various permitting decisions must be made in accordance with 208 Plans. A 208 Plan directs implementation of WQM activities. PAG's 208 Plan achieves this by providing an Action Plan to address identified water quality issues (Appendix A) and through a Consistency Review process for wastewater treatment facilities.

One key benefit of 208 planning is that water reclamation occurs efficiently and is coordinated on a regional basis. Local planning oversight and statewide permitting requirements ensure the long-term viability of existing, new and expanded wastewater treatment facilities. The PAG 208 planning process provides a means for the general public to engage in regional environmental decision-making and helps to avoid conflicts among jurisdictions while meeting WQM goals. The result has been improved water quality in our region and reclaimed water resources.

About This Update

According to federal regulations, 208 Plans must be updated "as needed". An up-to-date 208 Plan is necessary to ensure efficient permitting decisions that rely on 208 Plan consistency. PAG's 208 Plan last had a comprehensive update in 2006, combining the original 208 Plan from 1978 and subsequent amendments into one document. The current document provides updates since the 2006 Plan and streamlines the 208 planning process.

Multiple amendments since the adoption of the 2006 208 Plan warranted a comprehensive update, including changes to the DMAs and to water reclamation facilities. Several background conditions have changed since 2006, including population growth projections, water quality conditions and responses by management programs. PAG's goal in streamlining the 2020 update was to:

- consolidate background information for concise reading
- update water quality tables with links to dynamic online databases
- modernize the facility inventory into an online interactive mapping database
- clarify and simplify procedures for determining consistency while keeping the essential function of effective regional water quality coordination

This 208 Plan update was developed with an opportunity for comment by PAG's member jurisdictions. During draft development, the Arizona Department of Environmental Quality (ADEQ) and DPAs statewide were interviewed for recommendations. WestLand Resources provided research assistance and advice from an industry and DMA consultant perspective. Local DMAs provided facility data updates and careful reviews of the inventory. Individual departments were contacted within jurisdictions for program updates. After draft development, the primary

stakeholder groups were engaged through PAG committees and the PAG Regional Council. The 208 Plan update was then provided to the Statewide Water Quality Management Working Group (WQMWG), ADEQ and the U.S. Environmental Protection Agency (EPA) for approval. All comments have been noted and responded to as part of the public participation effort, which is documented in the Public Participation Records in Appendix B.

The new 208 Plan incorporates several significant changes from the 2006 208 Plan to provide a more streamlined document. The changes are detailed in the Record of Changes chapter in Appendix B, which was created to facilitate the approval process by clearly describing the differences in the content and streamlined process. With approval of the 208 Plan, PAG Regional Council herein approves the changes included in this update.

INTRODUCTION

Purpose, Benefits, and Use of the 208 Plan

Implementation of provisions within the CWA has resulted in large strides to restore and maintain the biological, chemical, and physical integrity of the nation's waters. The CWA, for example, protects communities from experiencing heavily polluted rivers catching fire or riverbeds serving as common dumping grounds for trash and toxic waste, which were common historical concerns. Other efforts, such as the promotion of reliable, centralized, public water reclamation facilities in the PAG region, have resulted in the return of clean river water and other renewable resources.

The 208 Plan describes historical and emerging point and nonpoint source water quality issues, considers alternative solutions, and recommends control measures based on local program efforts. Current and anticipated municipal and industrial wastewater treatment facilities are described with a minimum 20-year planning horizon. The Strategic Action Plan, located in Appendix A, suggests the financial, regional coordination and institutional measures necessary to implement recommended solutions to water quality issues. The policies outlined in the 208 Plan ensure cost-effective regional, integrated planning and utilize a watershed-based approach to protect waterbodies, the environment and human health. Efficient procedures for achieving consistency with the 208 Plan are provided to ensure that local policies are followed, and stakeholder agreements are in place. This reduces conflicts before water quality permits are submitted to ADEQ. In addition, the 208 Plan presents a set of guiding principles that reflect regionally identified values.

A key benefit of 208 planning is that wastewater treatment occurs efficiently and is planned on a regional basis. PAG's 208 planning policy requires sewage to be treated in publicly owned water reclamation facilities following a resource recovery model and discourages the construction of privately owned facilities. This policy has helped to reduce instances of unreliable facilities. The policy is implemented by assessing regional coordination opportunities during review of water quality permits.

For additional references and information, see [40 C.F.R. § 130.6¹](#) and the Statewide WQMWG [webpage²](#).

Impacts of the 208 Plan

Areawide water quality planning has resulted in investments in regional water reclamation facilities that are having a positive impact on water quality. For example, recent upgrades to Pima County's water reclamation facilities have improved water quality, allowing the return of the endangered Gila Topminnow to the Santa Cruz River after an absence of more than 70 years. Today, high quality recycled wastewater flows support 17 miles of aquatic habitat along the river, increasing the possibility that other native species will return.

Encouraging reliable, planned and economically stable water reclamation facilities is another strategy PAG uses to ensure clean water. Throughout portions of the PAG planning area,

¹<https://www.gpo.gov/fdsys/pkg/CFR-2013-title40-vol23/pdf/CFR-2013-title40-vol23-sec130-6.pdf>

²<https://azdeq.gov/node/2240>

wastewater collection and treatment are a continual process. Wastewater treatment in the PAG region is performed by publicly and privately owned and operated facilities and by on-site wastewater treatment facilities. The 208 Plan provides a predetermined planning framework for different types of sewage treatment facilities. Existing and new wastewater facilities that trigger 208 Plan processes must be consistent with the principles and future conditions described in this 208 Plan. To fulfill the requirement for a 20-year planning horizon, PAG provides the consistency framework and wastewater flow projections. Additionally, PAG DMAs' facility construction schedules are compiled in the 208 Plan.

Wastewater treatment facilities in Pima County have a wide range of treatment capacities, treatment methods, and service areas. Most of the water reclamation occurs in facilities owned and operated by one of the three DMAs in Pima County: Pima County (operated by the Pima County Regional Wastewater Reclamation Department [PCRWRD]), the Town of Marana and the Town of Sahuarita. The Pima County DMA owns and operates two recently upgraded regional water reclamation facilities that serve the metropolitan Tucson area. Smaller wastewater treatment facilities operated by Pima County serve small subdivisions, rural communities, parks, schools, and prisons. The Town of Marana DMA owns and operates the Marana Water Reclamation Facility. This facility was recently upgraded for additional treatment capacity as well as enhanced water quality. The Town of Sahuarita DMA owns and operates one water reclamation facility and is also planning for treatment capacity upgrades.

Other wastewater treatment facilities located in the PAG DPA area are privately owned. Many are located in areas where DMA-owned sewage collection systems are not available or not economically feasible. On-site wastewater treatment facilities are also common in areas that do not have access to sewer collection systems.

Historical data indicate that the high nitrate concentrations occurred in our region between the late 1940s and the mid-1960s, apparently as a result of irrigated agriculture, sewage effluent, septic tanks, and animal feed lots. While regional coordination and facility upgrades have led to water quality improvements in some areas, issues with failing older septic systems and small on-site facilities constructed prior to the regionalization approach of 208 planning require additional funding to resolve. In addition, effluent-dependent stretches of the Santa Cruz River are adversely impacted by regionally distributed nonpoint source pollutants in stormwater runoff. *Escherichia coli* (*E. coli*) has been detected in stormwater, an indicator of the presence of fecal material such as pet or wildlife waste. Consequently, the Santa Cruz River north of the Cañada del Oro wash to the boundary of the Lower Santa Cruz Watershed (hydrologic unit code [HUC] 15050303) has been classified as impaired. Efforts are underway to reduce stormwater impacts using green infrastructure (GI) and to prevent nonpoint source pollution through regionally consistent outreach messaging.

Investments in regional water reclamation facilities have improved water quality in portions of the Santa Cruz River. Assessing the value that residents place on the river and on efforts to improve water quality can better inform management decisions. Surveys and public workshops have shown that residents increasingly see the flowing stretch of river as an amenity for recharge, environmental resilience, community open space, and recreation, enabling activities such as birding and biking along the river path (Sonoran Institute, 2018a).

Economic, Social, and Environmental Impacts of the 208 Plan Update

For the most part, this 208 Plan update maintained the content and policies of the original 208 Plan and previous amendments and updates to the 208 Plan. Because the process was streamlined and action items have been identified to address updated water quality concerns, the economic, social, and environmental impacts of this update are expected to be positive. The efficiency improvements that it does have are expected to be positive. No negative impacts on existing wastewater treatment facilities or service areas are anticipated.

The key features of this 208 Plan update are that it continues the policy of regionalizing water reclamation on a DMA basis and provides for the continued expansion of existing facilities. The regionalization policy improves regulatory efficiency and economies of scale. The provisions for wastewater treatment facility expansion accommodate regional growth. The 208 Plan also provides social benefits by minimizing localized impacts and ensuring that communities, residents, and businesses have adequate sewage treatment capacity. The 208 Plan provides environmental benefits by limiting the number of point-source discharges in the region, encouraging effluent reuse and ensuring that the highest value waterbodies are protected from pollutant discharges.

Required Elements in an Areawide Water Quality Management Plan

State WQM Plans must identify several elements including total maximum daily loads (TMDLs), effluent limitations, nonpoint source management and control, dredge and fill programs, basin plans and groundwater programs, according to EPA rules in 40 C.F.R. § 130.6(c).

The State of Arizona delegates some required WQM planning elements to the DPAs. The DPAs' 208 Plans identify municipal and industrial waste treatment facilities, the management agencies, as well as implementation measures necessary to carry out areawide WQM planning. The latter includes the financial and institutional measures needed to implement recommended solutions to water quality issues and describes the economic, social, and environmental impact of carrying out the 208 Plan in accordance with section 208(b)(2)(E).

PAG coordinates the process to recommend Management Agencies in coordination with ADEQ for approval and designation by EPA Region 9. PAG lays out requirements for private wastewater treatment facilities to become part of the 208 Plan. In doing so, PAG delegates some areawide WQM planning responsibilities to DMAs and private wastewater providers in accordance with section 208(b)(2) (A) and (B) of the CWA. These include responsibilities to:

- Identify financial arrangements for wastewater facilities
- Establish construction priorities and schedules
- Identify open space and create opportunities for improved water quality

Furthermore, DPA responsibilities include facilitation of public participation in the regional planning process. PAG's policies and procedures to implement public participation strategies are included in the 208 Plan. In addition, DPAs are responsible for providing technical assistance to applicants in the 208 planning process, including amendments and updates. This is addressed through PAG's procedures for facility consistency. Finally, a Strategic Action Plan was incorporated into the 208 Plan (Appendix A) to clearly address PAG's requirement to identify key local needs and priorities to ADEQ for funding considerations.

Under 40 C.F.R. § 130.6(c), WQM plans to be updated as needed to reflect changing water quality conditions, implementation progress, additional requirements, or to modify conditions on previously approved plans. Since the state and areawide WQM plans collectively include all necessary plan elements and are in alignment, PAG provides general planning guidance for nonpoint source pollution, sludge, stormwater and other activities that might impact water quality in Appendix A.

State requirements for 208 Amendments and Plans are outlined in Arizona's [Continuing Planning Process](#)³. Additional information is available in Appendix B.

Responsibilities

The 208 Plan is implemented by PAG in cooperation with the DMAs. Implementation and responsibilities of the DMAs and private facilities include design, permitting, construction, operation, maintenance, and monitoring for existing, new, and expanded water reclamation facilities, sewer collection systems, reclaimed water systems, and solid waste disposal systems. Parties who own effluent rights or hold permits may have the same responsibilities for reclaimed water treatment and delivery systems. Solid waste facilities are operated by public and private entities in accordance with regulations enforced by ADEQ. The local jurisdictions also implement the 208 Plan by following the policies and procedures established herein.

Successful WQM relies heavily on conformity with and implementation of a variety of regulatory and non-regulatory programs. These programs, which are implemented by ADEQ or the Pima County Department of Environmental Quality (PDEQ) through a delegation agreement, are discussed later in this chapter.

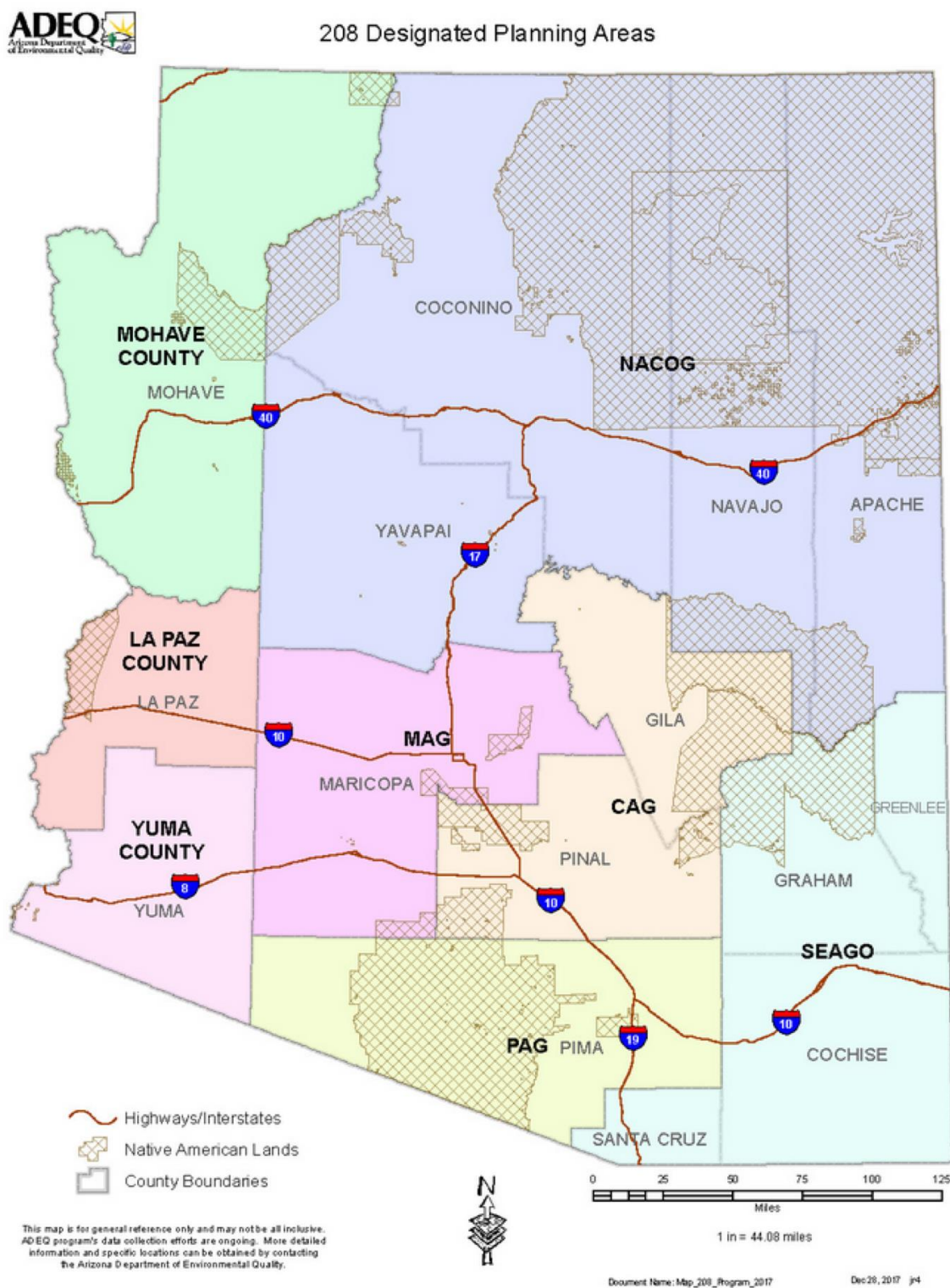
Designated Planning Agency Responsibilities

The ADEQ serves as the lead planning agency for water quality in the State of Arizona. Currently there are eight DPAs in Arizona: MAG, PAG, the Northern Arizona Council of Governments (NACOG), the South Eastern Arizona Governments Organization (SEAGO), Central Arizona Governments (CAG), La Paz County, Mohave County, and Yuma County (Figure 1).

Under state and federal regulations, certain new or expanding water reclamation facilities must demonstrate consistency with their respective DPA's 208 Plan before permits can be issued. PAG's DPA boundaries are shown in Figure 2.

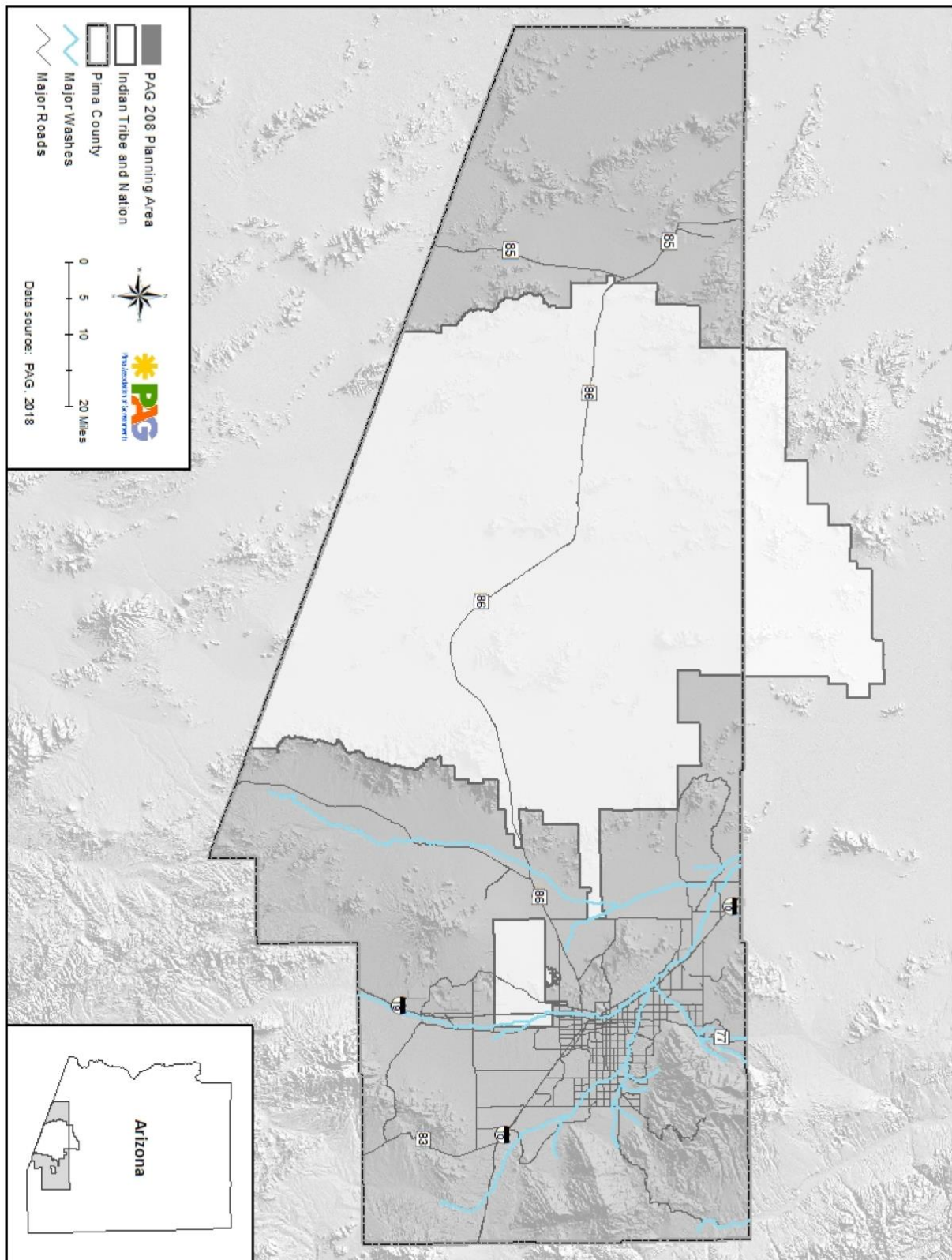
³https://legacy.azdeq.gov/function/forms/download/list/Continuing_Planning_Process_4_93.PDF

Figure 1. Map of Designated Planning Agencies in Arizona



This image is a preview. For a full resolution map, visit: http://static.azdeq.gov/wqmwg/wifa_dpa_map.jpg

Figure 2. Map of PAG 208 Planning Area Boundaries



The following is a list of PAG's responsibilities as the DPA for Pima County. PAG's 208 Plan and implementation, thereof, accomplishes each of these designated responsibilities:

- Provide a means for local governments to participate in the State WQM planning process
- Provide technical assistance to applicants in the 208 planning process, including amendments and updates
- Oversee the implementation of the WQM plan and coordinate necessary amendments
- Identify existing and proposed water reclamation facilities to meet the anticipated municipal and industrial waste treatment needs of an area over a 20-year period
- Ensure that proposed construction of wastewater treatment facilities and water quality permits conform to the regional 208 Plan in accordance with the state's Continuing Planning Process
- Provide general planning guidance for nonpoint source pollution, sludge, stormwater and other activities that might impact water quality
- Facilitate public participation in the regional planning process
- Promote local needs and priorities to ADEQ for consideration for funding.
- Participate in WQM planning and request federal funds through ADEQ for planning and management activities (40 C.F.R. § 130.11).

Designated Management Agency and Wastewater Management Utility Responsibilities

The CWA requires that each 208 Plan identify entities that have the legal, institutional, financial, and managerial capabilities to carry out aspects of the 208 Plan in accordance with section 208(c)(2)(A) through (I) of the Act. This plan identifies agencies responsible for implementing the plan and provision for adequate authority for intergovernmental cooperation in accordance with sections 208(b)(2)(D) and 303(e)(3)(E) of the Act. These public entities include local, regional, and state agencies and political subdivisions. In the 208 Plan, a wastewater treatment facility operated by a public entity must meet the above requirements and have resources to construct, operate, and maintain the wastewater facility it is proposing (or is already operating) and be certified as a DMA. This term is defined in the Arizona Administrative Code (A.A.C.) § R18-5-301. Three DMAs are currently under PAG's jurisdiction.

Non-public entities that are wastewater providers (i.e., a private utility) cannot be approved as a "DMA" because they are not an agency or political subdivision. However, ADEQ will still require the entity to demonstrate that it has the same capabilities to function as a DMA within its Certificated Area of Convenience and Necessity (CC&N) as approved by the Arizona Corporation Commission. If ADEQ finds adequate demonstration, the entity would be approved as a Wastewater Management Utility (WMU) under the 208 Plan. Currently no private wastewater providers are designated as WMUs in the PAG region.

Pursuant to the CWA, Section 208(c)(2), DMA and WMU individual responsibilities include:

- Enforcement of sewer-related ordinances within the DMA or WMU area.

- Refusal to receive wastes that do not comply with the 208 Plan.
- Authority to accept industrial wastes for treatment.
- Execution of all wastewater collection and treatment activities for existing and future customers in compliance with local, state, and federal regulations.
- Providing capacity assurance for development and ensuring that adequate wastewater treatment is available to meet future growth demands.
- Design, construction, operation, and maintenance of wastewater collection and reclamation facilities; regulation of industrial wastes; and enforcement of provisions for wastewater service within the DMA or WMU area.
- Raising revenues, accepting wastewater grants and funds, incurring long-term and short-term debt.
- Operating consistently with the procedures and policies of the 208 Plan.
- When appropriate, providing letters of support to PAG for the construction of private wastewater treatment facilities.
- Refuse to receive any wastes from any municipality or subdivision which does not comply with any provisions of an approved plan established to fulfill Section 208 planning requirements (see note below about an approved plan).

In order to carry appropriate portions of a regional 208 Plan, the DMA and WMU responsibilities to PAG include:

- Identify financial arrangements for wastewater facilities (see the section titled: Required Elements in an Areawide Water Quality Management Plan).
- Establish construction priorities and schedules (see the section titled: Required Elements in an Areawide Water Quality Management Plan).
- Identify open space and create opportunities for improved water quality (see the section titled: Required Elements in an Areawide Water Quality Management Plan).
- Manage waste treatment facilities and related facilities in conformance with the 208 Plan effectively (including collection systems and effluent/biosolid disposal methods) and in conformance with any plan established to fulfill Section 208 planning requirements (such as adopted wastewater plans of a DMA or WMU submitted in response to this Plan's requirements).
- Assure in the implementation of the regional 208 Plan that each participating community pays its proportionate share of treatment costs (see the section titled: Procedure to Establish a DMA or WMU or Update Boundaries).
- Work with PAG to review 208 Plans and amendments within the region through the committee process (see the section titled: Process C: Amendments).
- Provide PAG advance notice of changes to treatment facilities that will require an ADEQ Consistency Review (see the section titled: Consistency Reviews).
- Provide updates regarding treatment facility descriptions and service area boundaries, planning areas, and 20-year plans for growth to the facilities inventory when major changes occur or every five years, whichever is less (see the section titled: 208 Plan Updates).

- Changes to DMA/WMU area boundaries will require neighboring parties (counties, DPAs, DMAs) to jointly submit a request, including an agreement to the boundaries, to update the 208 Plan (see the section titled: Procedure to Establish a DMA or WMU or Update Boundaries).
- Coordinate with neighboring DMAs and WMUs to serve high-priority areas and to implement other strategies in this Plan. As developments are proposed, WMUs should look for opportunities to merge wastewater treatment facilities, expand treatment facilities, or create collection systems to take advantage of economies of scale. This is more consistent with this 208 Plan than developing new, smaller treatment facilities that are less efficient at removing pollutants. When inside a service area or high priority area for sewer lines, proposed development should be delayed until adequate capacity is available at the wastewater treatment facility and the sewer lines are available to the property. However, if development cannot be delayed, the phased approach could be considered.
- Strategies in a 208 Plan must also address nonpoint source issues and controls and help implement load reductions established in a TMDL. Therefore, becoming a DMA or WMU requires making a commitment to help manage and control nonpoint source pollution. This includes pollutants carried by stormwater and pollutants associated with activities such as agriculture, construction, urban development, roads, mining, recreation, and septic systems. The DMA or WMU also commits to participating in the development and utilization of a TMDL Implementation Plan or other watershed improvement plan (see the section titled: Total Maximum Daily Loads).

PAG, as a DPA, currently has three DMAs under its jurisdiction: Pima County, the Town of Sahuarita, and the Town of Marana. All public and private sewer collection systems and wastewater treatment facilities are located within one of these three DMAs. The Pima County DMA area includes the entire county area, excluding Tohono O'odham Nation and Pascua Yaqui Tribe lands and the areas associated with the Sahuarita and Marana DMAs. Pascua Yaqui Tribe lands are served by the Pima County DMA wastewater service. However, WQM plans for Native American lands are enforced directly through the EPA, so PAG does not have DPA authority over those lands. PAG welcomes participation by the Tohono O'odham Nation and Pascua Yaqui Tribe in the PAG 208 planning process as desired.

Descriptions of the three DMAs and their associated water reclamation facilities are detailed in Appendix A. Procedures for changing a DMA or becoming certified as a DMA through a PAG 208 Amendment are detailed in the section titled: Procedure to Establish a DMA or WMU or Update Boundaries.

Wastewater Management Utilities

Some privately owned utilities function as, or may apply to function as, a DMA. A 208 Plan approval of some new large private developments or expansion of some private wastewater facilities (with defined service areas serving multiple properties and expansion planning areas) would be contingent on being certified as a WMU.

Where package plants are used, a capable management entity (e.g., DMA or WMU) needs to carry out necessary maintenance to assure such plants are operating as designed. In rural areas, it may be necessary to form a legal entity with the authority to charge users a fee for the ongoing maintenance and operation of the plant. Development of model ordinances or

improvement districts for consideration by local jurisdictions is recommended as a strategy to address this issue.

Not all privately owned wastewater treatment facilities need to be a WMU. Owners or operators of on-site systems will not necessarily be required to become a WMU. For example, a facility serving one owner such as a recreational vehicle park, mobile/manufactured vehicle park, motel, hotel, or shopping center might not be functioning as a WMU and likely would not be able to fulfill the requirements of a WMU. A wastewater facility serving all lots within a small subdivision would also not be functioning as a WMU. However, before this private facility can expand its service or collection system beyond its defined neighborhood, it needs to be approved as a WMU.

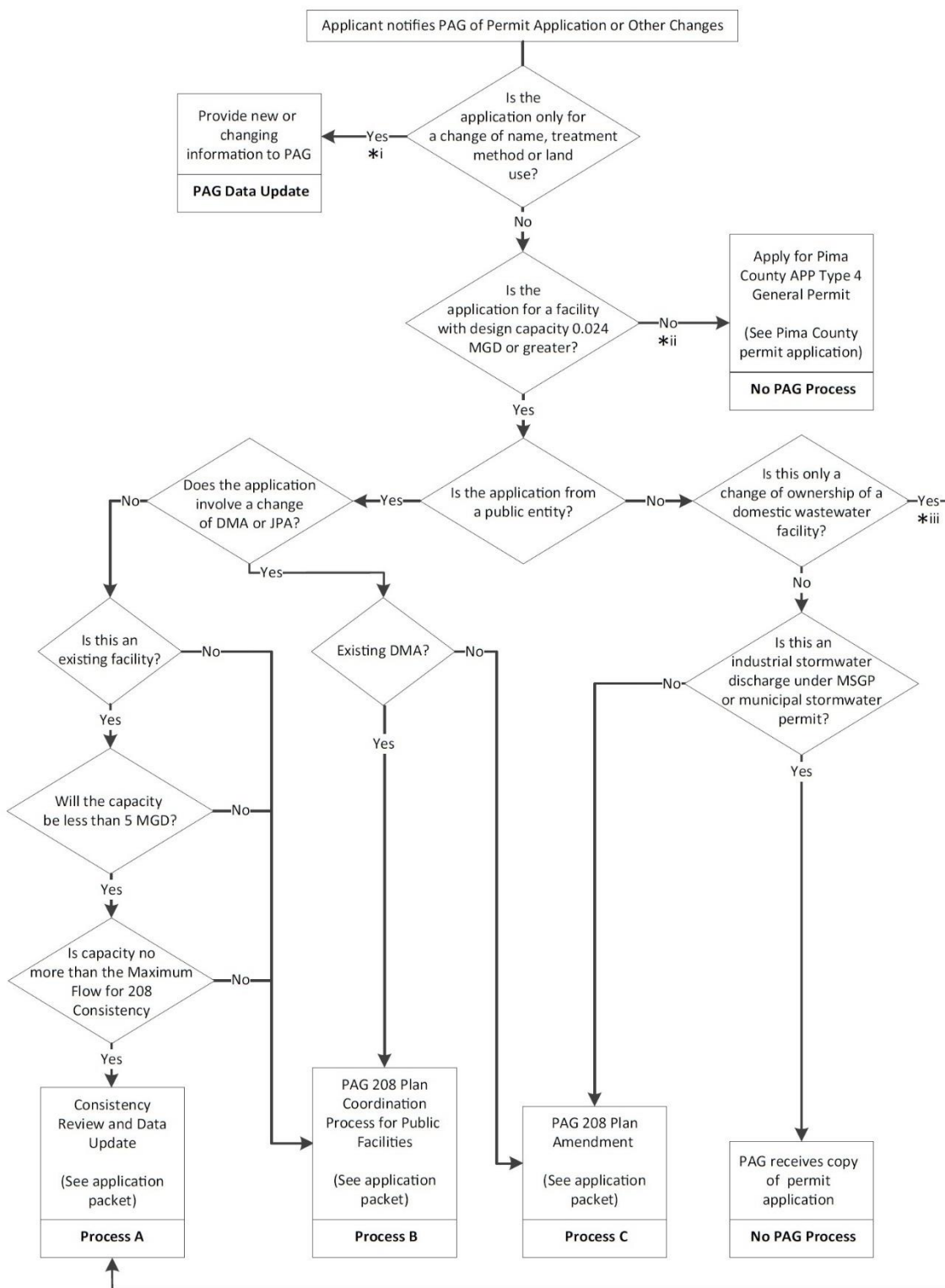
Procedures for Water Reclamation Facilities

The following sections provide the PAG DPA guidelines and requirements for new and expanded wastewater treatment facilities to be consistent with the 208 Plan. The requirements have been streamlined from previous 208 Plan procedures for both public and private facilities.

Determining Appropriate 208 Process

A Consistency Review will determine if an elevated process is needed, such as a Coordination Process for Public Facilities (Process B) or an Amendment Process (Process C) for private facilities, new DMAs, WMUs and 208 Plan updates. Figure 3, the Decision Diagram, was created to guide applicants to the correct process.

Figure 3. PAG 208 Plan Decision Diagram for Permit Applicants



*i Provided that these changes will not negatively affect discharged water quality.

*ii Applies to facilities in all DMAs. Certain conditions can elevate the application to a PAG process. Applicant must agree to follow PAG's 208 policies for on-site facilities.

*iii If change of ownership between two private entities, new owner must agree to follow PAG's 208 policies for private facilities.

Guidance for Determining Appropriate 208 Process to Follow

Public Entity follows the following procedures:

- ❖ Public entity notifies PAG of Permit Application and Expansion and follows one or more of three processes as described below.
 - Follow Process A – A PAG 208 Plan Consistency Review and Data Update is required in all processes. For the following conditions, Process A may be the only step:
 - the permit is for an existing facility that doesn't require changes to an existing DMA or Joint Planning Area (JPA), **and**
 - the existing facility has a capacity of less than 5 million gallons per day (MGD), **and**
 - the existing facility capacity is no more than the maximum flow for 208 consistency.
 - Follow Process B – PAG 208 Plan Coordination Process for Public Facilities – for the following conditions:
 - the permit is for a facility that requires a change to an existing DMA or JPA boundary or new JPA between existing DMAs or
 - the permit is for a new facility within an existing DMA or JPA or
 - the permit is for an existing facility with a capacity of greater than 5 MGD or
 - the permit is for an existing facility with a capacity less than 5 MGD but the proposed capacity is greater than the maximum flow for 208 consistency.
 - Follow Process C – PAG 208 Plan Amendment – for the following condition:
 - a new DMA will be created to serve the facility.
 - Apply for APP Type 4 General Permit (unless a PAG process is triggered during the Consistency Review application phase) if the permit is for a new on-site facility with a capacity less than 0.024 MGD.
- ❖ Private Entity follows one of the following procedures.
 - Follow Process C - PAG 208 Plan Amendment Procedures for Private Facilities for the following conditions:
 - if the permit involves an existing facility **or**
 - the permit is for a new on-site facility with a capacity 0.024 MGD or greater.
 - Apply for APP Type 4 General Permit (unless a PAG process is triggered during the Consistency Review application phase) if the permit is for a new on-site facility with a capacity less than 0.024 MGD.

Determining a Process for Public Facilities

Public Facility Process Types

- Expansion of an existing public water reclamation facility located in a DMA area are considered consistent with the 208 Plan under certain conditions as seen in the Decision Diagram (Figure 3) and undergo Process A: Consistency Review and Data Update.
- New facilities, changes to DMA areas or JPAs, and some public facility expansions must undergo Process B: Coordination Process.
- For public agencies, only new DMAs undergo Process C: Amendments.

See Figure 3 for conditions that trigger processes for public facilities.

Determining a Process for Private Wastewater Treatment

The 208 Plan discourages the construction of privately owned and operated wastewater treatment facilities unless it is determined that connection to a regional or sub-regional facility is not technically or economically feasible, as per a regionally approved policy in 1985. All private facilities with a capacity of 0.024 MGD or greater are inconsistent with the 208 Plan unless and until otherwise specified in the 208 Plan or approved 208 Plan Amendment (Process C). Such private facilities that are applying for APP Individual Permits will be encouraged to join a centralized system.

The circumstance may arise that a private landowner located within a DMA area boundary requires the design, permitting, construction, and operation of a new or expanded privately owned and operated wastewater treatment facility. The criteria that trigger adopted processes for private facilities within a DMA are shown in Figure 3. The procedure is initiated through a Consistency Review. Thereafter, these facilities are required to prepare a 208 Plan Amendment for review and approval as outlined in Process C. A streamlined approach has been developed that will allow the facility to achieve consistency with the 208 Plan for new or expanded privately owned and operated wastewater treatment facility applying or established under an Individual APP and/or requiring an Arizona Pollutant Discharge Elimination System (AZPDES) permit (if applicable) under A.A.C. § R18-9-2 and A.A.C. § R18-9-9, respectively.

If a wastewater treatment facility will be constructed by a private entity but will be turned over to a DMA for ownership and operation, verification of this arrangement in writing must be provided to PAG by the DMA. The 208 Plan Coordination Process B must then be followed.

Consistency Reviews

A PAG Consistency Review initiates and determines the necessary PAG 208 processes (A, B and C). Triggers for each process are shown on the Decision Diagram (Figure 3).

Triggers for a Consistency Review

PAG will conduct a Consistency Review for a water reclamation facility or wastewater treatment facility under a variety of circumstances, including those listed below. These triggers do not imply inconsistency but serve as a checkpoint for review.

- Receipt by ADEQ of an application for an AZPDES permit for a new or expanded wastewater treatment facility to add an AZPDES discharge outfall or change the location of a previously approved AZPDES discharge outfall.
- Receipt by ADEQ of an application for an AZPDES permit for an industrial stormwater discharge that is not in compliance with ADEQ's Multi-Sector General Permit (MSGP) or is not addressed by AZPDES municipal stormwater permits.
- Receipt by ADEQ of an application for an APP for a new or expanded wastewater treatment facility with a design flow 0.024 MGD or greater.
- Receipt by ADEQ or PAG of an inquiry from private parties planning to submit any of the above permit applications.
- Receipt by ADEQ or PAG of an inquiry from parties considering the construction of a new wastewater treatment facility or the expansion of an existing wastewater treatment facility.
- An existing domestic (publicly owned or privately owned) wastewater treatment facility for which there is:
 - More than a 10 percent increase in permitted design flow.
 - Expansion of the service area in a JPA or less than three miles from another DMA.
 - Change of ownership of a domestic (publicly or privately owned) wastewater treatment facility.
- Proposal for new or modified JPA, DMA or WMU.

Exceptions

In some situations, PAG may determine that a Consistency Review is not needed or that a proposed change only requires a data update. Applicants should notify PAG if their proposal meets any of the following conditions:

- Construction of an on-site wastewater treatment facility with a design flow less than 0.024 MGD*.
- AZPDES permit for an industrial stormwater discharge that is in compliance with ADEQ's Multi-Sector General Permit (MSGP) or is addressed by AZPDES municipal stormwater permits.
- Changes in treatment method or land uses within a service area that do not negatively affect discharged water quality.
- If the only change to a wastewater treatment facility is:
 - change of facility name; or
 - change to public service area boundaries not in a JPA, greater than 3 miles from another DMA, and no changes are made to outfalls or design flow.

PAG will review the information provided and determine if a PAG 208 process is needed.

**Type 4 General Permits for facilities with design flow less than 0.024 MGD might not require a Consistency Review, however, PAG, the DMAs, and the joint committee meeting members (WPS and EPAC) reserve the right to require a Coordination Process (Process B) or an Amendment (Process C) should conditions dictate, as described in the Small On-Site Wastewater Treatment Facilities Under APP Type 4 General Permit section.*

Contents of Consistency Reviews

Based on the triggers above, the applicant shall submit a completed PAG Consistency Review form (see Appendix A). For expanding facilities, changes must be compared to information contained in the Facility Inventory. ADEQ relies on PAG to determine if a proposed project is in alignment with regional policies and the 208 Plan, and to state whether local entities have consensus on the plan.

To initiate a Consistency Review, the applicant will need to submit a completed Consistency Review form along with the following attachments:

- AZPDES permit and/or APP number
- Description of discharge and disposal methods
- Current population
- Facility name*
- Location (address and lat./long. of outfall)*^
- Owner, contact information*&
- Private or public*
- Description of treatment method (any industrial pre-treatment requirements?)*
- Flow projections (unless 20-year minimum is already available)*
- Existing or expanding?*
- (If expanding, is it more than PAG's Maximum Flow table?)+
- Service area map, future planning area map*
- Additional provision of GIS data, if feasible+
- Permitted design capacity*+^
- Nearby Title VI and environmental justice stakeholders*+
- Additional DPAs impacted (if applicable)*+
- Explanation of how the project will be funded*+
- Impacts or benefits to surrounding land uses, priority water bodies, odor, noise, water quality, air quality*+
- Alternatives considered and justification for preferred alternative*+
- Solids handling, reuse/reclaimed sites, recharge or riparian benefits *+
- Effluent quality*+
- Purpose/reason for new facility or expansion*+
- Letter from each relevant DMA within 3 miles agreeing to project description, sponsorship or to participate in relevant PAG processes (additionally from impacted jurisdictions if different than DMA)*+
- Land uses within facility planning area+
- Timeline of activities, phasing (any temporary facilities?)+
- Operator+

- Integration with other planning activities such as occurrence in planned growth areas⁺
- Financial information indicating the methods and measures necessary to achieve project financing⁺
- Letter of financial capability⁺
- Cost-effectiveness analysis that substantiates the facility as the most viable method of serving the area in both the long and short term⁺
- Description of relief of deficiencies of regional conveyance system capacity or capability to treat pollutants incompatible with regional system, if applicable⁺

**If an existing public facility is less than 5 MGD and fits the Maximum Flows table in Appendix A, less data are required; only the items with an asterisk (*) are needed, if data are missing from or changing from the 208 Plan.*

^If the facility is existing, only the missing or changing content needs to be received.

&For change of ownership between two private entities, the new owner must agree to follow PAG's 208 policies for private facilities, as described in the Private Wastewater Treatment section.

+Items with plus sign (+) are not on the [ADEQ Consistency Review form](#)⁴. Please use the PAG Consistency Review form or provide this information in addition to the ADEQ form to help complete the Consistency Review process.

#For private facilities under APP Type 4 General Permit (design flow less than 0.024 MGD), the applicant must agree to follow PAG's 208 policies for on-site facilities, as described in the Small On-Site Wastewater Treatment Facilities Under APP Type 4 General Permit section.

Consistency Review Procedures

When feasible, the applicant should apply for a Consistency Review through PAG prior to pursuing a consistency determination through ADEQ. After an inquiry is received by PAG:

1. PAG assesses the project description to ensure a Consistency Review is in fact needed.
2. PAG provides applicant with Consistency Review form, if not already submitted.
3. Applicant submits draft Consistency Review form along with any questions pertaining to the process.
4. PAG notifies other relevant DPAs if project crosses a DPA boundary.
5. PAG or applicant notifies DMAs within 3 miles of project (including JPA).
6. Each relevant DMA submits letter stating no objection, agreeing to participate in process if needed.
7. Primary applicant pays Consistency Review fee.
8. PAG performs review for adequacy and completeness and informs applicant of missing information and alternatives to meet PAG 208 policies.
9. Applicant addresses PAG's feedback with complete Consistency Review and provides GIS data if available.

⁴http://static.azdeq.gov/forms/208_form.pdf

10. PAG writes a response letter determining the 208 consistency of the facility and obtains PAG Executive Director review and approval. Letter is forwarded to applicant, DMA, and ADEQ.

Consistency Review Determinations

If the facility is determined consistent, the process passes the Consistency Review and is complete. In general, a facility (or a permit for a facility) will be considered “consistent” with the 208 Plan if the facility is identified in the 208 Plan, provided that the existing or “planned” facility’s location, owner, service area, and capacity are consistent with the 208 Plan.

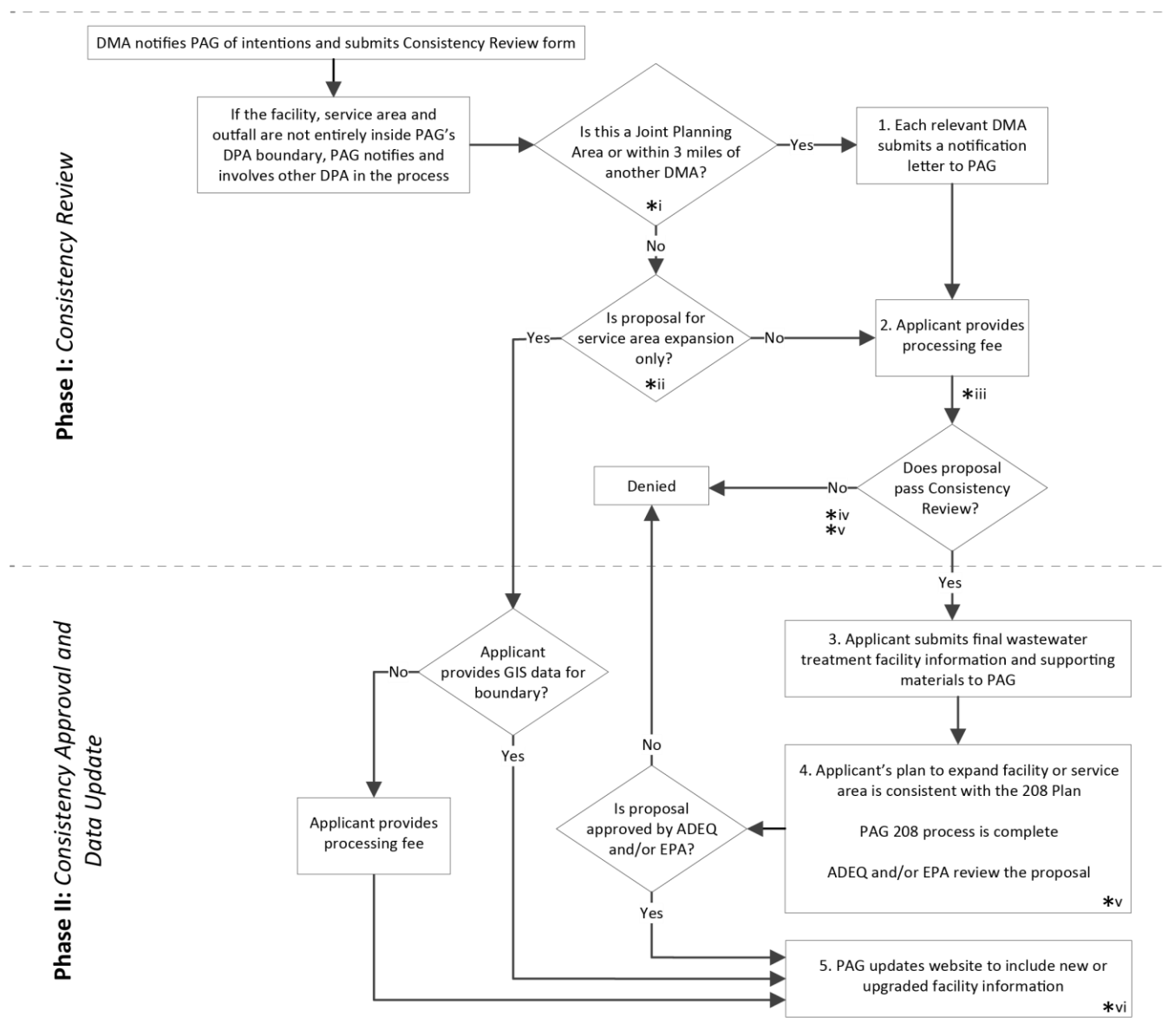
A facility may be determined to be “not inconsistent” by PAG during the ADEQ Consistency Review if the changes were not anticipated in the 208 Plan, but the applicant followed procedures and the proposal fits PAG 208 policies. PAG may choose not to require changes to the proposal or a further PAG process. The applicant will be asked to supply additional data to update the facility inventory. The PAG Determination Letter will state that the proposal passes the Consistency Review.

A project may be determined to be “inconsistent” by PAG during the ADEQ Consistency Review if the applicant did not follow procedures, policies, and/or projections described in the 208 Plan. The PAG Determination Letter will state the proposal does not pass the Consistency Review. PAG may require a change to the proposal and/or elevate it to Process B or Process C. If not previously identified in the 208 Plan, the proposal will usually be considered “inconsistent” with the 208 Plan, unless it falls under a policy, described elsewhere in this document, that indicates otherwise. Information about the conditions that trigger an elevated process are available above in the sections on Determining a Process for Public or Private Facilities.

Process A: Consistency Review and Data Update

The following are the abbreviated procedures for facilities that have been determined to only require a Consistency Review and Data Update. Figure 4 illustrates the steps followed in Process A. PAG, the DMAs and the joint committee meeting members reserve the right to elevate the process to a Coordination Process (Process B), with PAG Executive Director approval. PAG Regional Council may review proposals at any point in the process.

Figure 4. Flow Chart for PAG 208 Process A: Consistency Review and Data Update



Process A Procedures

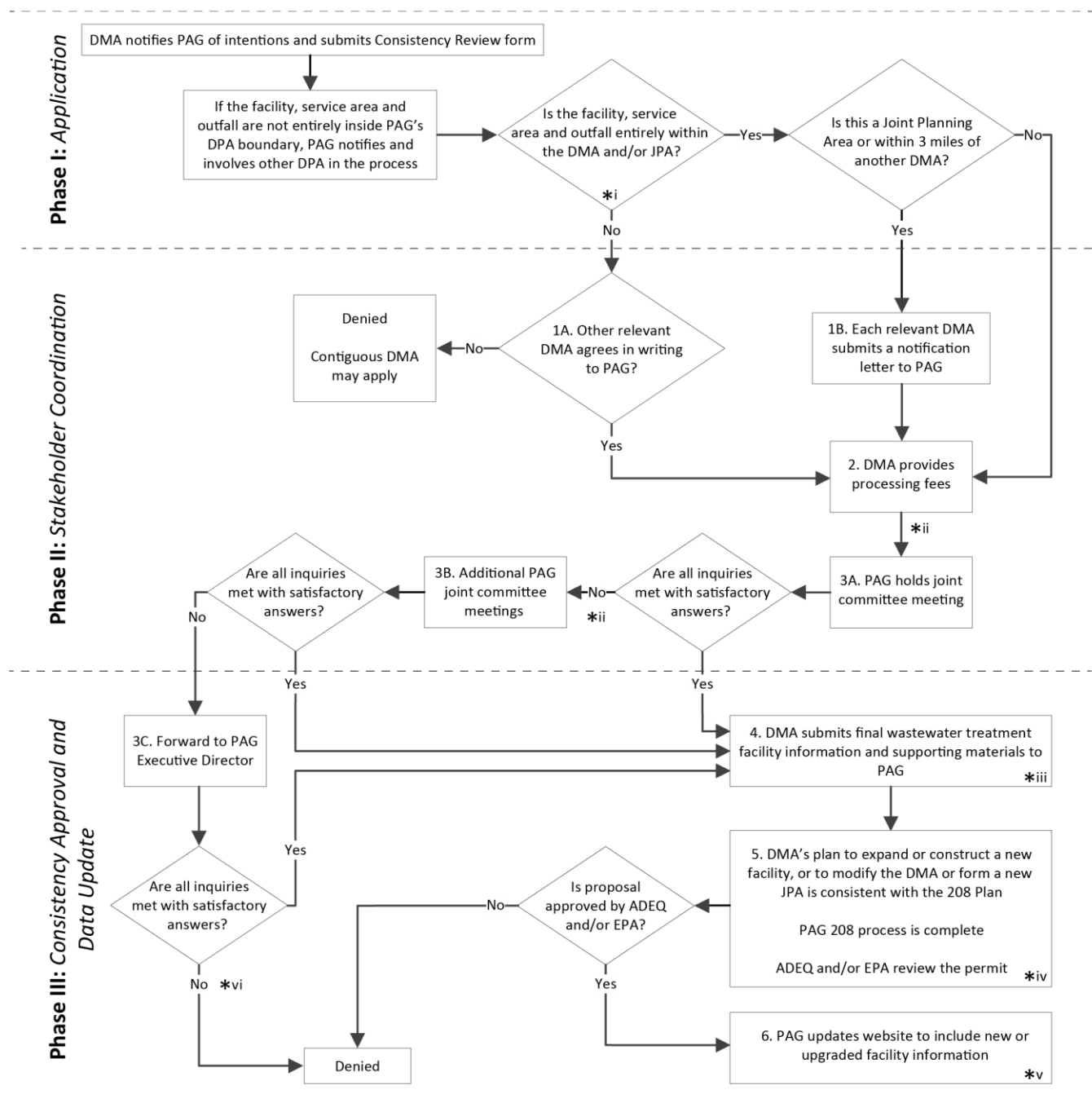
1. The DMA notifies PAG of intentions and submits the PAG Consistency Review form. Consistency Review begins. For expanding facilities, applicants need only include new or changing information on the PAG Consistency Review form. If the service area and outfall are partially or completely in another DPA, PAG will involve that DPA in the process. The decision also will be contingent on other DPA.

- a. If the facility is within 3 miles of another DMA area, each relevant DMA must submit a notification letter to PAG, agreeing to terms or to participate in process. If DMA representation is different than the jurisdiction (for example, within the City of Tucson or Oro Valley), the jurisdiction provides a sponsorship letter indicating its agreement to participate in the 208 process. Then, proceed to **Step 2**.
 - b. If the facility is entirely within the applicant DMA's boundaries, proceed to **Step 2**.
2. If all DMA and jurisdictional parties agree to proceed, the applicant provides processing fee to PAG.
 - a. Thereafter, PAG staff performs review and applicant addresses comments. If PAG staff determines that the proposal passes the Consistency Review, the project proceeds to **Step 3**.
3. The applicant submits final wastewater facility information and supporting materials to PAG, including GIS data for facility location, service area and planning area. When available, provide:
 - a. The application submitted for APP and once issued, and electronic copy of the approved ADEQ Individual APP.
 - b. Electronic copy of a valid Reclaimed Water Permit (if applicable).
 - c. Electronic copy of the application submittal of AZPDES permit and once issued, the approved AZPDES permit (if applicable).
 - d. Copy of any applicable Memorandums of Understanding (MOUs).
4. The DMA's plan to expand the facility or service area is approved and consistent with the 208 Plan. A Determination Letter, approved by the PAG Executive Director, is provided to the Applicant and ADEQ. The Consistency Review by PAG is complete. Applicant proceeds with permit application unless an elevated PAG 208 process is required.
 - a. ADEQ reviews the permit application, if applicable.
 - b. ADEQ forwards permit applications to the EPA for review and approval. These include new AZPDES permits, expansion of AZPDES and some APPs.
5. Following approval by ADEQ and/or the EPA, PAG updates online Facility Inventory Portal to include new or upgraded facility information. PAG creates informational memorandum for PAG Management Committee and Regional Council.

Process B: Coordination Process for Public Facilities

The following are the abbreviated procedures for public facilities requiring a Coordination Process and for DMA modification. Figure 5 illustrates the steps followed in Process B. PAG, the DMAs and the joint committee meeting members reserve the right to elevate the process to a PAG 208 Amendment (Process C). PAG Regional Council may review proposals at any point in the process.

Figure 5. Flow Chart for PAG 208 Process B: Coordination Process for Public Facilities



*i If partially within another boundary, follow "No" pathway.

*ii PAG staff performs review and applicant addresses comments.

*iii If applicable, applicant will provide documentation of public hearing, including an official affidavit of publication from the area newspaper.

*iv Determination letter will be provided, reviewed by PAG Executive Director.

*v PAG staff will provide informational memo to PAG Management Committee and Regional Council.

*vi Applicant may initiate Appeal Process as desired.

Process B Procedures

1. DMA notifies PAG of intentions and submits the PAG Consistency Review form. Consistency Review begins. For expanding facilities, applicants need only include new or changing information on the PAG Consistency Review form. If the service area and outfall are partially or completely in another DPA, PAG will involve that DPA in the process. Decision also will be contingent on acceptance by the other DPA.
 - a. If the facility is entirely within the applicant DMA's area boundaries, proceed to **Step 2**.
 - b. If the facility service area and outfall are entirely or partially within another DMA area and/or JPA, applicant must obtain other relevant DMA's agreement to form a JPA or change DMA area boundaries in writing. If other relevant DMA does not agree the application is denied. The relevant DMA may apply for the facility instead.
 - c. If the facility is within a JPA or within 3 miles of another DMA area, each relevant DMA must submit a notification letter to PAG, agreeing to terms or to participate in the process. If DMA representation is different than the jurisdiction (for example, within City of Tucson or Oro Valley), the jurisdiction provides a sponsorship letter indicating their agreement to participate in the 208 process.
 - d. If establishing a new JPA or joint-DMA facility, each relevant DMA must submit a notification letter to PAG, agreeing to terms or to participate in the 208 process.
2. If all DMA and jurisdictional parties agree to proceed, the applicant provides processing fees to PAG.
 - a. Thereafter, PAG staff performs the review, and applicant addresses comments. If PAG staff determines that the proposal passes the Consistency Review, applicant proceeds to **Step 3**.
3. For new public facilities or change of ownership, the DMA will be responsible to conduct a public hearing. Notice will be provided by the applicant, as described in the Public Participation policy and procedures section. Following the public hearing, if applicable, PAG holds a joint committee meeting of WPS and EPAC, including the DMAs. PAG will invite relevant stakeholders to the joint committee meeting. Residents and property owners within a half mile of the site may be notified as needed. The proposal and agenda with the action item must be posted on PAG's website at least one week prior to the meeting. After the presentation, the joint committee meeting members provide inquiries to Applicant.
 - a. If inquiries are met with satisfactory answers, Applicant proceeds to **Step 4**. Satisfactory answers may consist of filling data gaps or providing revisions to the proposal to meet the 208 Plan guiding principles, policies and stakeholder concerns.
 - b. If satisfactory answers are not obtained, PAG staff will perform a review, the Applicant will address comments, and additional joint committee meetings are held. If the inquiries from the additional meetings are met with satisfactory answers, proceed to **Step 4**.
 - c. If inquiries from additional joint committee meetings are not met, the application will be forwarded to the PAG Executive Director. If inquiries from the Executive Director are satisfied, the applicant proceeds to **Step 4**. If the inquiries are not

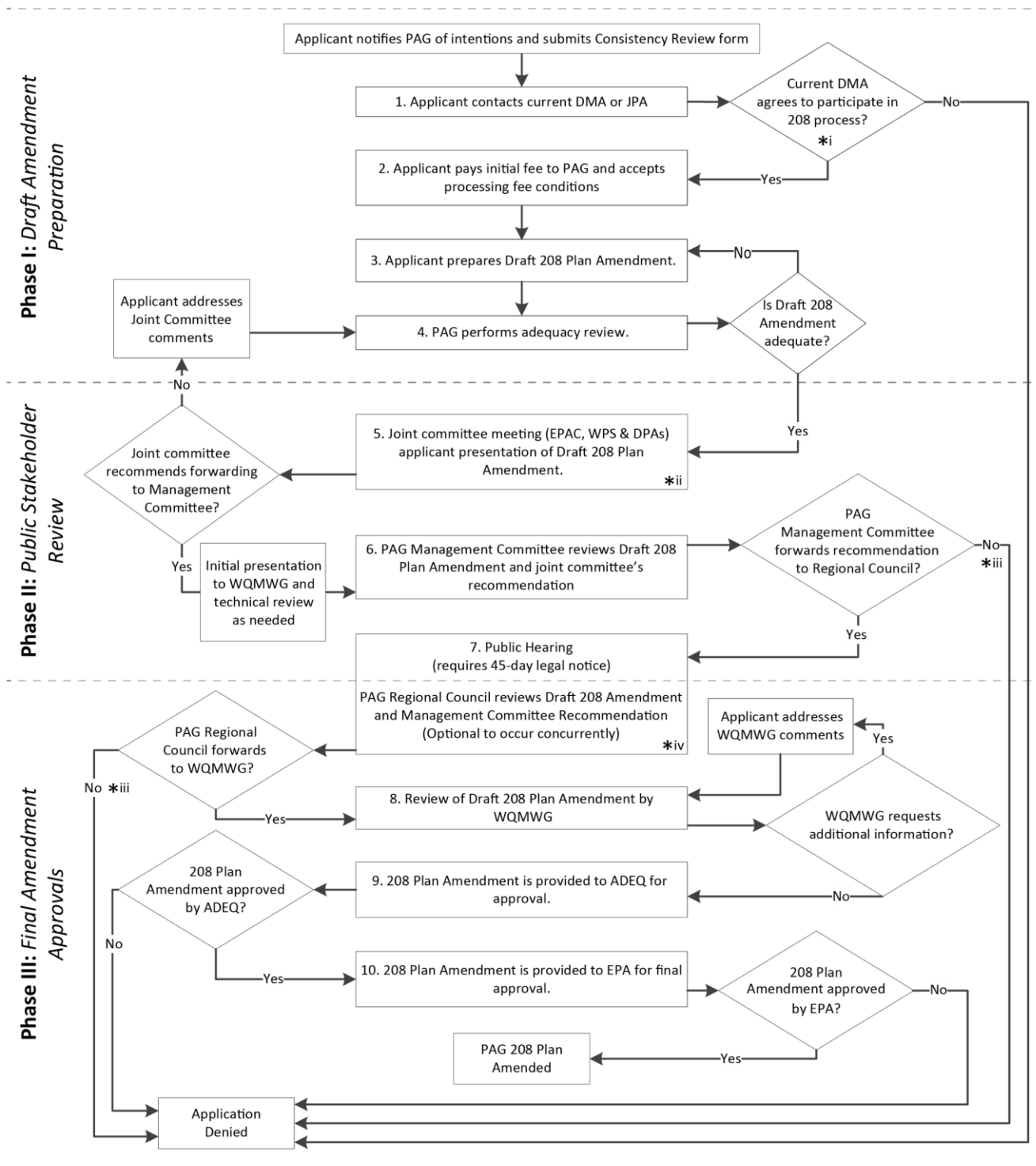
satisfied, the Executive Director may deny application. If application is denied, applicant may initiate an Appeal Process as desired.

4. The applying DMA submits final water reclamation facility information and supporting materials to PAG, including GIS data for facility location, service area and planning area. When available, provide:
 - a. Electronic copy of the approved ADEQ Individual APP when issued. Provide application submittal if APP is in the review process.
 - b. Electronic copy of a valid Reclaimed Water Permit (if applicable).
 - c. Electronic copy of the approved AZPDES permit (if applicable) when issued. Provide application submittal if AZPDES permit is in the review process.
 - d. Copy of any applicable Memorandums of Understanding (MOUs).
 - e. Documentation of public hearing, including an official affidavit of publication from the area newspaper, if applicable.
5. The DMA's plan to expand or construct a new facility is approved and consistent with the 208 Plan. A Determination Letter, approved by the PAG Executive Director, is provided to the Applicant and ADEQ. The Consistency Review by PAG is complete. Applicant proceeds with permit application unless an elevated PAG 208 process is required.
 - a. ADEQ reviews the permit application, permit renewal or DMA status change request.
 - b. ADEQ forwards permit applications to the EPA for review and approval, if applicable. These include new AZPDES permits, expansion of AZPDES and some APPs.
6. Following approval by ADEQ and/or the EPA, PAG updates the online Facility Inventory Portal to include new or upgraded facility information. PAG creates informational memorandum for PAG Management Committee and Regional Council.

Process C: Amendments

The following procedures are for 208 Plan updates (Adopted Policies and Procedures chapter), private facilities, new DMAs and WMUs. A process diagram was created to illustrate the 208 Plan amendment process (Figure 6). The amendment process (Process C) is divided into three phases: Draft Amendment Preparation, Public Stakeholder Review and Final Amendment Approvals. Procedures are further explained in text below.

Figure 6. Flow Chart for PAG 208 Process C: Amendments



*i DMA administrator provides decline-to-serve letter. Jurisdiction provides sponsorship letter.

*ii PAG will invite relevant stakeholders. PAG Executive Director has discretion to move forward or deny if Joint Committee continues to recommend "No" or applicant can't address changes.

*iii Applicant may initiate Appeal Process as desired.

*iv Public Hearing may be held concurrently with any committee or as a standalone event to meet the needs of the schedule as applicable. Applicant will provide documentation of public hearing, including an official affidavit of publication from the area newspaper.

Process C Procedures

1. Applicant contacts current DMA (or DMAs if in JPA) or WMU and the jurisdiction in which the discharge and/or facility would reside (if different than the DMA). Applicants will utilize the PAG Consistency Review form. For expanding facilities, only new or changing information needs be included on the PAG Consistency Review form. If the service area and outfall are partially or completely in another DPA, PAG will involve that DPA in the process. Decision also will be contingent on the other DPA.
 - a. DMA and/or WMU administrator provides letter stating they decline to serve and agree to participate in Amendment process through sponsorship. Sponsorship does not mean support; it only indicates a willingness to investigate the possibility of such a project and a desire to continue the 208 process. If DMA representation is the same as the jurisdiction (for example, within the Town of Sahuarita), the Applicant can proceed with **Step 2**. Otherwise, move to item b.
 - b. If DMA representation is different than the jurisdiction (for example, within City of Tucson or Oro Valley), jurisdiction provides a sponsorship letter indicating their agreement to participate in the 208 process and Applicant can proceed with **Step 2**.
 - c. If DMA, WMU and/or jurisdiction declines to participate, application is denied, and applicant may initiate Appeal Process as desired.
2. Applicant pays Consistency Review fee to PAG and accepts processing fee conditions. Thereafter Consistency Review begins.
 - a. PAG staff performs review and applicant addresses comments. If PAG staff determines that the proposal passes the Consistency Review, applicant proceeds to **Step 3**.
3. Applicant prepares Draft 208 Plan Amendment and proceeds to **Step 4**.

Applicant pays Amendment fee to PAG and accepts processing fee conditions. Thereafter, PAG performs review for adequacy and completeness, and applicant addresses comments.

- a. If Draft 208 Plan Amendment is adequate, the application proceeds to **Step 5**.
 - b. If Draft 208 Plan Amendment is inadequate, the application goes back to **Step 3** and a new amendment application needs to be submitted.
4. Once the Draft 208 Plan Amendment is adequate, the Applicant presents the Draft 208 Plan Amendment at a combined EPAC and WPS (joint committee) meeting. PAG will invite relevant stakeholders to the joint committee meeting (see Public Participation policies). The proposal and agenda with the action item must be posted on PAG's website at least one week prior to the meeting. After the presentation the joint committee meeting members will either:
 - a. Recommend forwarding the Amendment to the Management Committee and the application proceeds to **Step 6**. As needed, the Draft 208 Plan Amendment will be presented to the SWQMWG and go through a technical review prior to **Step 6**; or
 - b. Not recommend forwarding the Draft 208 Plan Amendment and the Applicant addresses joint committee meeting member comments and goes back to **Step 4**. Satisfactory answers may consist of filling data gaps or providing revisions to the proposal to meet the 208 Plan guiding principles, policies and stakeholder

concerns. The PAG Executive Director has the discretion to move forward or deny the application if the joint committee continues to recommend “No” or the Applicant cannot satisfactorily address comments.

5. PAG Management Committee reviews the Draft 208 Plan Amendment and joint committee recommendation. The PAG Management Committee will either:
 - a. Forward the recommendation to the PAG Regional Council (**Step 7**), and initiate a 45-day, legal notice of a public hearing and a 30-day public comment period; or
 - b. Deny the application. If the application is denied, the Applicant may initiate the Appeal Process as desired.
6. For plan updates and new or changing private facilities including a change of ownership, a public hearing is required. It is the responsibility of the applicant to conduct public hearings and place notices. Notice will be provided as described in the Public Participation policy and procedures section. The PAG Regional Council⁵ will review the Draft 208 Plan Amendment, Management Committee recommendation and public hearing results and will either:
 - a. Approve and forward the Draft 208 Plan Amendment to SWQMWG and the applicant proceeds to **Step 8**; or
 - b. Deny the application. If the application is denied, the Applicant may initiate the Appeal Process as desired.
7. SWQMWG reviews Draft 208 Plan Amendment and may request additional information. If additional information is requested, Applicant addresses comments and SWQMWG reviews. If SWQMWG does not request additional information or determines that all comments have been addressed, the application moves to **Step 9**.
8. ADEQ reviews the Draft 208 Plan Amendment. ADEQ either:
 - a. Approves the application and the application proceeds to **Step 10**; or
 - b. Denies the application. Applicant cannot proceed with the PAG Appeal Process at this time.
9. ADEQ provides the EPA with the Amendment. The EPA reviews the 208 Plan Amendment. The EPA will either:
 - a. Approve the Amendment. The 208 Plan is now amended; or
 - b. Deny the application. Applicant cannot proceed with the PAG Appeal Process at this time.

If the Amendment is approved, the applying DMA submits final water reclamation facility information and supporting materials to PAG, including GIS data for facility location, outfalls and service area. ADEQ will make a final determination regarding issuance of necessary permits.

Procedures for 208 Plan Updates

Process C is applicable to Plan updates or Amendments to the Adopted Policies and Procedures section of the 208 Plan. PAG will prepare a Draft 208 Plan and Record of Changes with comparisons of major elements. The update process will then follow the Amendment process above, beginning with **Step 5**. See further detail in the 208 Plan Updates and Public Participation policy sections detailed later in this document.

⁵PAG Regional Council may conduct additional review of proposals at any point in the process, as desired.

Contents of 208 Plan Amendments

For content required in 208 Plan Amendments, see Procedures to Amend the 208 Plan for a Private Water Reclamation Facility, Procedures to Establish a DMA or WMU or Update Boundaries, and the Application Packet for Private Facilities in Appendix A.

Process Details for All Procedures

Appeal Process

Background

The purpose of the DMA and jurisdictional letters are to obtain agreement of the critical stakeholders early in the process. The joint committee meetings of EPAC and WPS are held to help build a successful application through feedback of technical experts and regional representatives. If agreements are not reached with DMAs and/or Jurisdictions, the application is denied during the PAG 208 process. If PAG determines that the discharge permit or renewal is inconsistent with the 208 Plan, the applicant may pursue the PAG 208 Appeal Process and/or reapply with a revised proposal. During the PAG 208 Appeal Process, the applicant may explore alternatives and employ the recommendations made during the PAG process.

If an application is rejected by ADEQ, ADEQ's appeal process will apply (A.A.C. § R18-14-10). The ADEQ director may advise the applicant to work with PAG to make the proposal consistent with the 208 Plan through the PAG 208 Appeal Process.

Procedure

If an application is denied at any step in the 208 process, the applicant may elect to pursue an Appeal Process.

The following steps describe the PAG 208 Appeal Process:

1. The applicant and those objecting will have up to 90 days to resolve outstanding issues and will meet a minimum of once per 30 days. Other neighboring stakeholders must be notified of all meetings and may participate as available. PAG assistance with facilitation may be requested.
2. If the parties can resolve outstanding issues, a letter of support or no objection will be issued by the applicable stakeholders and received by PAG before the end of the 90-day period. The PAG process can be continued.
3. In the event that a resolution is not reached, the stakeholder(s) objecting will issue a "Letter of Objection" summarizing original objections, attempted resolutions and outstanding issues. The proposal will be considered inconsistent with the 208 Plan.
4. If neither the letter of support nor the letter of objection is received within the 90-day period, the initial objection will be nullified. The PAG process can be continued.

208 Plan Consistency Procedure Processing Fees

Policy

The PAG Regional Council (Feb 22, 1984) has permitted the following:

“[Processing fees] will apply to private and public entities alike; private entities may have the fees rebated through sewer connection fee credits; public entities will pay the amendment processing costs when the amendment is outside the scope of any intergovernmental agreement between PAG and the respective agency; and, the processing fee[s] will be reviewed annually.”

Procedure

As of the 2020 208 Plan update, the fees for each procedure are as follows (excluding legal fees):

- Process A: \$1,000 for Consistency Reviews or data updates that require GIS processing by PAG (funds go toward Coordination or Amendment Processes if those processes are needed)
- Process B: \$3,500 for Public Facility Coordination processes, where qualified
- Process C: \$8,000 base fee per Amendment for public and private facilities
- \$1,000 extra per repeated step that extends the 208 process

Fees generally cover review of the document, guidance with technical edits, moving the application through the public participation process as needed, and integrating the update into the 208 Plan. The \$1,000 Consistency Review fee will count toward Coordination or Amendment process fees. Specifically, these steps and components below are included with a full Amendment payment. The first three are included for Public Facility Coordination Processes.

Steps:

- 1-2 pre-application meeting(s) and staff review for adequacy and completeness of PAG Consistency Review Form and Application Packet
- 1-2 Technical reviews of Draft 208 amendment in concert with ADEQ and other agencies as required or requested
- 1 joint committee meeting of WPS/EPAC
- 1 Public Hearing notice in a local newspaper for 1 Public Hearing, located near the proposed area, when possible and feasible
- 1 item on the agenda of the PAG Management Committee
- 1 item on the agenda of the PAG Regional Council
- 1 meeting of the ADEQ Statewide WQM WG
- Submission of final amendment package to the ADEQ and/or U.S. EPA

Attorney fees: Most amendments do not require legal advice. In the event that PAG must use its attorneys or retain special counsel due to unusual circumstances, PAG will bill applicant for attorney's fees at the attorney's current rate. The applicant will be notified in advance if an action may require legal counsel and associated attorney's fees.

Major revisions: In the event the PAG Management Committee or Regional Council deliberates over the amendment and either denies approval or requests major revisions that require the Draft to go through the Public Process again, the new amendment will be subject to a subsequent fee for each repeated step.

Cross-DPA Coordination

Policy

Existing service areas and DMAs may extend their areas into other DPAs provided that they notify the DPAs and follow the appropriate procedures. Finalization of amendments or Plan updates will be contingent upon approvals by all DPAs affected.

Procedure

Where wastewater service areas and DMA area boundaries cross over DPAs, PAG and CAG have entered into an MOU agreeing to cooperatively plan for areawide WQM purposes. The DPAs will include one another as stakeholders within their respective Section 208 planning procedures and will provide early notice of activities that would trigger the 208 planning processes. DPA approval may occur at the Regional Council or Executive Director level, as needed, and will occur with consultation of the DPA's staff 208 planners. Coordination with the impacted DMAs will occur as needed.

Detailed Policies and Procedures per Entity Type

Private Wastewater Treatment

A treatment facility otherwise consistent with the 208 Plan and constructed under a privatization financing agreement with the Management Agency and/or other appropriate local jurisdictions, is deemed consistent with the 208 Plan if the responsibility for management and operation of the facility rests with the public agency {1985 Point Source Update}. The public facilities process will be followed (please see Process B).

To become consistent with a 208 Plan, a new private facility must demonstrate long-term public benefit including being a cost-effective alternative to public wastewater service and environmentally sound. Private facilities need to demonstrate the ability to relieve capacity deficiencies in the regional conveyance system or have the ability to treat non-compatible waste. Private facilities cannot jeopardize future public service to upstream areas and will be required to pay connection fees should they connect to a public system. Information must be provided including assurance of design life of 25 years and a sewer basin study. The policies below provide more detail and dates of policy adoption.

PAG Policies:

- It is 208 planning policy to treat sewage in regional and sub-regional publicly owned water reclamation facilities and to discourage privately owned facilities. {1985 Point Source Update}
- Small permanent wastewater treatment [facilities] may be permitted in areas where integration into the regional wastewater system is neither planned nor anticipated and

only after regional approval. A permanent facility will only be constructed if it is functionally and environmentally sound and is the most cost-effective alternative (to the public) for relief of deficiencies of conveyance system capacity. {1985 Point Source Update}

- Private treatment [facilities] for the treatment of domestic wastewater are prohibited unless a long-term public benefit is demonstrated by the builder (applicant) of such a facility and then only if [the relevant DMA] declines to serve the area in question in the best interests of the public because:
 - The proposed service area is not currently serviceable by an existing public facility
 - There is no plan within the adopted [DMA] Capital Improvement Plan to provide a public facility to serve the proposed service area
 - The private facility is the most cost-effective to the public in the long term. {1985 Point Source Update}
- A proposed private facility must not jeopardize future public facility service to upstream areas. {1985 Point Source Update}
- All private wastewater treatment [facilities] must have no adverse financial impact on the public, including impacts on previously financed treatment [facilities] or conveyance facilities, and shall include connection fees and user charges should the service area be connected to the regional system. {1985 Point Source Update}
- All private wastewater treatment [facilities] must have a design life of 25 years, with assurances (bonds, letters of receipt, or similar device) that the facility will be built, operated, maintained and repaired for its design life. {1985 Point Source Update}
- All private wastewater treatment [facilities] must have an approved plan for service to the affected area throughout the design life and afterwards, including, if appropriate, plans for turnover of the facilities to PCRWRD with payment of applicable fees. {1985 Point Source Update}
- All private wastewater treatment [facilities] must have a plan for wastewater service to neighboring areas, including flow through conveyance capacity and easements, with sizing in accordance with a [sewer] Basin Study, all approved by [the relevant DMA] {1985 Point Source Update}
- Within [approved facility planning] areas where treatment and conveyance capacity exists, [new] public and private treatment facilities should not be allowed where the facility would treat primarily compatible pollutants. {1980 Amendment}
- Within [approved facility planning] areas where treatment and conveyance capacity is not yet in place, [new and expanded] facilities shall be allowed, provided that [1.] the design, location, and financing arrangements conform to [or do not conflict with] the terms of intergovernmental agreements between [the DMA] and the affected City or Town [if applicable], [and] the rules and regulations of the State Health Department, and [2. the plan is] approved by the jurisdiction in which the facility is [or will be] located. {1980 Amendment}
- Within [approved facility planning] areas, proposed private facilities treating non-compatible wastes shall be required if [the relevant DMA] has determined that the wastes could not be handled by public facilities. {1980 Amendment}

Procedures to Amend the 208 Plan for a Private Water Reclamation Facility

All privately owned and operated new or expanded wastewater treatment facilities are required to undergo a 208 Plan Amendment (Process C). Figure 6 provides a flow chart outlining these procedures.

Please see the section on DMAs and WMUs for more information about the private WMU policies and procedures.

208 Plan Amendment Content for Private Water Reclamation Facilities

The 208 Plan Amendment for a new or expanded private wastewater treatment facility must contain all information that the PAG Regional Council will need to determine if the proposal is consistent with the 208 Plan. The information contained in the 208 Plan Amendment also needs to satisfy the associated DMA and ADEQ.

At a minimum, PAG requires the 208 Plan Amendment for a new or expanded privately owned and operated wastewater treatment facility to contain the information listed in the PAG Consistency Review form section plus the following:

1. Electronic copy of the approved ADEQ Individual APP when issued. Provide application submittal if APP is in the review process.
2. Electronic copy of a valid Reclaimed Water Permit (if applicable).
3. Electronic copy of the approved AZPDES permit (if applicable) when issued. Provide application submittal if AZPDES permit is in the review process.
4. Copy of any applicable MOUs.
5. Applicable DMA and Jurisdiction support letters.
6. Documentation of public process and comments.

Public Facilities

Policies for New or Expanding Public Facilities

- Within [approved facility planning] areas where treatment and conveyance capacity exists, [new] public and private treatment facilities should not be allowed where the facility would treat primarily compatible pollutants. {1980 Amendment}
- Within [approved facility planning] areas where treatment and conveyance capacity is not yet in place, [new and expanded] facilities shall be allowed, provided that [1.] the design, location, and financing arrangements conform to [or do not conflict with] the terms of intergovernmental agreements between [the DMA] and the affected City or Town [if applicable], [and] the rules and regulations of the State Health Department, and [2. the plan is] approved by the jurisdiction in which the facility is [or will be] located. {1980 Amendment}

Policy for Evaluation of Maximum Flows for 208 Consistency

Since the 1980 208 Amendment, PAG's policy has been that facilities planning should have phasing consistent with population projections. To determine whether to follow Process A or B for public facilities, the descriptions for anticipated wastewater flow volumes in the 208 Plan are

compared to the facility permit application. This will determine whether the agreed upon flow projection in the plan was correct or whether it needs to be discussed and updated.

Maximum Flows for 208 Consistency are calculated for public facilities to allow for variability in flow projections. This variability is accounted for by adding a Consistency Factor of 25 percent of the flow projection. Consistency Factors and Maximum Flows are calculated as follows:

$$\text{Consistency Factor} = 0.25 \times \text{Flow Projection}$$

$$\text{Maximum Flow for 208 Consistency} = \text{Consistency Factor} + \text{Flow Projection}$$

Consistency Factors are for public facilities only. See Appendix A for a table of Maximum Flows for 208 Consistency. To be consistent with the 208 Plan, a public facility on the Maximum Flow table may expand to no more than the listed flow. For service area expansion into a JPA, add the Maximum Flow for the JPA to that of the relevant facility. If expanded capacity of the public facility remains under the Maximum Flow, follow Process A unless greater than 5 MGD. If greater than 5 MGD or greater than the Maximum Flow, follow Process B. Existing public facilities that are not on the Maximum Flows table will be evaluated for consistency based on available descriptions of projections, 20-year plans and future conditions for each individual facility.

Policy Requiring Industrial Pretreatment for Large Facilities

The PCRWRD is the only DMA with facilities of “large” size (greater than 5 MGD) in the PAG region and is compliant with this policy as described in the Facility Inventory.

Policy:

- Pretreatment is required for water reclamation facilities 5 MGD or greater. {40 C.F.R. § 403.8}

A facility may be deemed to be consistent with the 208 Plan if the following policies are met:

- Introduction of toxic and incompatible pollutants to the public sewage treatment system shall be reduced through the industrial pretreatment program to levels necessary to protect groundwater quality and to allow maximum sludge reuse options. {1980 Amendment}
- All wastewater treatment [facilities] must include an approved industrial pretreatment program if applicable. {1985 Point Source Update}
- Private facilities that are required by current industrial pretreatment ordinances for the pretreatment of industrial wastes before disposal to the public sanitary sewer are consistent with the 208 Plan. {1985 Point Source Update}

Policies for Small Public Facilities

- Small permanent water reclamation [facilities] may be permitted in areas where integration into the regional wastewater system is neither planned nor anticipated and only after regional approval. A permanent facility will only be constructed if it is functionally and environmentally sound and is the most cost-effective alternative (to the public) for relief of deficiencies of conveyance system capacity. {1985 Point Source Update}

- Small public water reclamation facilities may be deemed to be consistent with the 208 Plan following an approval process. {1985 Point Source Update}

DMA or WMU

Appendix A of the 208 Plan provides a description of the DMAs located within Pima County. This section provides the policies and procedures to establish, update or de-designate a DMA or WMU.

Policy

All jurisdictions in Pima County are located in one of three DMAs (excluding Tohono O’odham Nation lands and the Pascua Yaqui Tribe). If a municipality elects to pursue DMA status or a private entity pursues a WMU status, an amendment to the 208 Plan is required. A 208 Plan Amendment establishing a new DMA shall follow the procedure described below.

Procedure to Establish a DMA or WMU or Update Boundaries

Follow Process B for changes to existing DMAs. For all WMUs and new DMAs, follow Process C.

For either process, the applicant requesting a change in DMA or WMU status shall provide:

1. A letter of acknowledgment from the appropriate DMA or WMU that this request will change its DMA or WMU status unless the DMA or WMU unreasonably withholds the acknowledgement letter.
 - a. “Unreasonably withholds” is defined as the existing DMA or WMU not responding in writing to the new DMA or WMU request within a 90-day period.
 - b. If the DMA or WMU unreasonably withholds an acknowledgement letter, the new DMA or WMU may move forward through the process.
 - c. PAG encourages agreement between all parties prior to starting the process for a DMA or WMU status change.
2. A written statement from the applicant that the DMA or WMU change is in accordance with all local, state, and federal regulations.
3. For DMAs only, a written statement from the applicant that the DMA agrees to sponsor all private wastewater facilities within the new or expanded DMA.
4. A map and legal description of the area to which the DMA or WMU status change applies, signed by the applicable town/city council or Board of Supervisors chair.

Only for Process C, an Amendment must be processed that includes:

5. Self-certification information pursuant to CWA section 208(c)(2) [33 U.S.C. § 1288(c)(2)] and reinforced in Arizona’s [Continuing Planning Process](https://legacy.azdeq.gov/function/forms/download/list/Continuing_Planning_Process_4_93.PDF)⁶ that the municipality is authorized by law to do the following:
 - a. Carry out appropriate portions of the 208 Plan developed under CWA section 208, subsection (b).
 - b. Manage effectively the wastewater facilities.

⁶https://legacy.azdeq.gov/function/forms/download/list/Continuing_Planning_Process_4_93.PDF

- c. Directly or by contract, design and construct the wastewater facilities and any other new works and operate and maintain new and existing works as required by the 208 Plan.
- d. Accept and utilize grants or other funds from any source for waste treatment management purposes.
- e. Raise revenues, including the assessment of waste treatment charges.
- f. Incur short- and long-term indebtedness.
- g. Ensure the implementation of the 208 Plan that each participating community pays its proportionate share of treatment costs.
- h. Refuse to receive any wastes from any municipality or subdivision thereof that do not comply with any provisions of the 208 Plan.
- i. Accept industrial wastes for treatment.

De-designation of a DMA or WMU

ADEQ can withdraw or modify the designations if:

- The agency requests such cancellation in writing.
- The agency fails to meet its management or planning requirements as specified in grant agreements, contracts, or MOUs.
- The agency no longer has the resources or commitment to continue WQM or planning activities within its designated boundaries.

When the WMU is de-designated, ADEQ or the surrounding DMAs may assume the roles and responsibilities for that area.

208 Plan Updates

Policy

The 208 Plan's "Adopted Policies and Procedures" chapter must be updated through a public participation process that includes a public comment period and votes by PAG's committees, including the PAG Regional Council, as well as the ADEQ and EPA. This includes policy and procedure changes. If a change of policies or procedures is proposed through the process of creating an Amendment for a facility, a separate document, process, and vote is needed.

Appendices in the 208 Plan will be updated administratively in an ongoing process as new information is obtained.

Procedures

Adopted Policies and Procedures

Process C will be followed for "Adopted Policies and Procedures" updates. After a draft is created including a "Record of Changes" for major elements, it will be discussed with DMAs. Thereafter, the process will begin at step 5. Appendices may be attached in their current status.

Appendices

Appendices can be updated administratively after applicable procedures are followed. PAG will provide compilations of these updates to committees, ADEQ and EPA every 5 years or less. When available, updated appendices will be posted on the PAG website, and committees will be notified of the changes. If an update to the Adopted Policies and Procedures section has not occurred within 5 years but updates have been made to Appendices, the updated documents will be provided to ADEQ and EPA.

- PAG will remind committees annually about the opportunity to provide updates regarding water quality conditions, resulting local management, and impacts. Water quality conditions and program progress will be updated if new data are available. Interim updates may be recorded in annual EPAC Top Issues lists and accomplishment reports.
- Appendix A will be updated when new projections are available to maintain a minimum of a 20-year planning horizon. PAG will work with the DMAs to evaluate the updated population and flow projections. Projections will be reviewed and approved by the PAG Executive Director prior to posting the update. PAG will use regional projections and methodologies accepted by the PAG Population Technical Committee (POPTech) and approved by PAG Regional Council. If a new facility is approved between PAG's population projection updates, the applicant may be required to work with PAG data or provide its own interim projections. Interim projections must be acceptable to PAG.

Facility updates that do not require a Consistency Review will be collected at least every five years and will receive PAG Executive Director review and approval. Data updates will be requested of the DMAs by PAG at least every five years. Data for facilities provided through Consistency Reviews, DMA updates, and Amendments to the 208 Plan will be updated after those procedures are completed. PAG's Facility Web Portal will reflect any changes or updates specific to existing, new, or expanded water reclamation facilities. The website link is:

<http://gismaps.pagnet.org/PAG208Plan>

Policies and Procedures for Multiple Facility Types

This Plan and previous updates have established and maintain a set of guiding principles for use during facility reviews and water quality planning efforts within the region. While the policies and procedures in the previous sections are specific to certain facility types, the policies that follow may apply to more than one facility type. Policies contained in the 208 Plan apply to facilities already constructed even where they may not be in conformance with the 208 Plan. These policies must be followed for all PAG 208 procedures. ADEQ's approval of wastewater facility plans within PAG's planning area are contingent on being approved through the 208 Plan process.

Cost Effectiveness and Financing

When evaluating proposals for new water reclamation facilities, PAG will adhere to the following policies, established in past 208 Plans, which relate to economics, financing, and cost effectiveness.

PAG Policies:

- PAG recommends integration of phased improvements to the wastewater system with other public investment programs. {1978 208 Plan}
- A permanent facility will only be constructed if it is functionally and environmentally sound and is the most cost-effective alternative (to the public) for relief of deficiencies of conveyance system capacity. {1985 Point Source Update}
- Temporary treatment facilities are prohibited unless needed because of the lack of planned service to the area and a temporary [facility] is the most environmentally and economically beneficial (to the public) way of providing wastewater treatment or effluent reuse. {1985 Point Source Update}
- All temporary [facilities] must have a plan for transition to a permanent method of wastewater treatment, including financing arrangements that will not adversely affect the public. These arrangements must include payment of sewage connection fees and any other financing arrangements which PCRWRD [or other DMA] deems necessary for efficient service to the public. {1985 Point Source Update}
- Private treatment [facilities] are prohibited unless the private facility is the most cost-effective option to the public in the long term. {1985 Point Source Update}
- All wastewater treatment [facilities] must be based on a cost-effective analysis that substantiates the [facility] as the most viable method of serving the area in both the long and short term. A financing method must be provided, including local user fees if applicable. {1985 Point Source Update}
- Economic development served by wastewater infrastructure, including new wastewater treatment facilities, should occur in planned growth areas where there is access not only to the regional wastewater conveyance and treatment system but also to renewable water supplies and adequate transportation facilities. {2006 208 Plan}
- Installation and use of on-site systems where connection to a DMA's water reclamation conveyance system is technically and economically feasible would be inconsistent with the 208 Plan. {2006 208 Plan}

Integrated Planning

Executive Order 70-2 and the Governor's DPA designation letter, signed in 1974, recognized the importance of working within the PAG planning area to avoid overlap, duplication and competition between local planning activities (Williams 1974). Since the adoption of the original 1978 208 Plan, PAG has recommended wastewater infrastructure planning be conducted in coordination with other regional planning efforts, including land use planning, stormwater management, water conservation and flow reduction. This is in line with PAG's mission to address regional issues through cooperative efforts and pooled resources, and to provide accurate, relevant data that leads to effective regional planning decisions.

PAG Policies:

- Facilities planning for sewage treatment should be integrated with other planning activities. {1980 Amendment}

- Economic development served by wastewater infrastructure, including new water reclamation facilities, should occur in planned growth areas where there is access not only to the regional wastewater conveyance and treatment system but also to renewable water supplies and adequate transportation facilities. {2006 208 Plan}
- PAG's 208 Plan recognizes the importance of maintaining stormwater quality and reducing nonpoint source pollution as part of a comprehensive WQM plan. {2006 208 Plan, Section 9.6}
- Ensure wastewater treatment facilities are sited, planned and managed to protect groundwater quality. {2006 208 Plan, Section 10.4}

PAG's 208 Plan recognizes that planning for wastewater infrastructure affects, and is affected by, other planning efforts in the region, such as transportation planning, land use planning, and water resource planning. Wastewater infrastructure development in planned growth areas will help ensure that PAG's 208 Plan is consistent with other regional plans and local jurisdictions' land use plans. and that infrastructure is developed efficiently.

PAG coordinates with other DPAs on watershed issues that cross DPA boundaries and will continue to coordinate its 208 planning and other watershed planning activities with regional transportation planning, water resource planning, solid waste planning, and land use planning.

Public Participation and Stakeholder Involvement

PAG fosters regional coordination and public involvement, and it provides a continuing planning process to support 208 Plan implementation. Public participation in PAG's 208 Planning program is guided by PAG's Public Involvement Policy and all applicable federal and state requirements, including 40 C.F.R. § 25, A.A.C. § R18-1-401, A.A.C. § R18-1-402 and ADEQ's *Continuing Planning Process*. See Appendix B for a detailed description of PAG's public participation process for the 2020 208 Plan update and the documentation of comments within the update.

Means of Communication

Public participation goals will be met primarily through:

- Notification of interested parties and potentially affected residents, property owners and stakeholder groups, where applicable.
- Review of plans and proposals by standing advisory committees.
- Public hearings located within the jurisdiction impacted unless it is a regionwide update which would be held in a central location such as at PAG's downtown office.
- Notice provided through PAG's distribution lists and in appropriate local newspapers.
- Prominently posting information on PAG's website, at display at PAG, applicable member jurisdiction locations, and in Title VI locations if impacted.

Although PAG does not have 208 authority over Native American nations, public notices are required to be sent to the Tohono O'odham Nation, San Xavier and Shuck Toak Districts, and the Pascua Yaqui Tribe when members of these nations are interested in or impacted by 208 proposals.

PAG Policies

The following policies discuss relevant stakeholders to include in the 208 review processes. As DMA designations have increased and technical relationships have been identified, stakeholder involvement has grown.

- Planning for wastewater treatment and effluent reuse treatment facilities will be done jointly by [the DMAs] and local jurisdictions and will require Regional Council approval. {1985 Point Source Update}
- PAG's EPAC and Regional Council should review facility plans [waste treatment management plans prepared by DMAs, WMUs or other private facilities to ensure that adequate wastewater service is provided] for consistency with regional population projections and land use plans. {1980 Amendment}
- [The DMAs] and Tucson Water are designated to perform technical review functions for 208 Plan Amendments. {1985 Point Source Update}
- All [new] wastewater treatment [facilities] must be at a site approved by Pima County Regional Flood Control District and [the relevant DMA] out of the 100-year flood plain and away from areas subject to erosion hazard. {1985 Point Source Update}
- All [new] wastewater treatment [facilities] must include an extensive public participation process, involving, but not limited to, the residents of the affected area. {1985 Point Source Update}
- Within [approved facility planning] areas where treatment and conveyance capacity is not yet in place, [new and expanded] facilities shall be allowed, provided that the design, location, and financing arrangements conform to [or do not conflict with] the terms of intergovernmental agreements between [the DMA] and the affected City or Town [if applicable], the rules and regulations of the State Health Department, and [the plans] approved by the jurisdiction in which the facility is [or will be] located. {1980 Amendment}
- Sahuarita becomes a DMA. {1999 Sahuarita Amendment}
- Marana becomes a DMA. {2014 Marana Amendment}

Public Hearings and Public Notices

Public hearings are required for all new facilities, changes of ownership, and changes to private facilities. Permit applicants will conduct and cover the costs of mailings and public hearings.

A 45-day legal notice is provided prior to public hearings through publication in the area newspaper and direct mailings. Mailings will be sent to residents, businesses and property owners within the affected area (such as within the service area and a half mile of the facility). The notice must:

- identify the project location
- include a description of the project
- discuss possible impacts to local residents
- explain how the project will be funded
- explain where to obtain more information

- explain where and when a decision will be made, and how to provide input

PAG will review the applicant's content for public notices, including summaries of technical documents, to ensure all requisite components are included.

With approval of the PAG Executive Director, the public hearing process may be held concurrently with any committee review or as a standalone event to meet the needs of the project schedule as applicable. Applicants may be directed to host public hearings in a public venue at or near their facility and to present their proposals at the hearing. Applicants will provide PAG with documentation of the mailing effort, including an official affidavit of publication from the area newspaper.

PAG's EPAC and WPS committees and "interested parties" will be notified. Documents must be available for review at least 30 days before a scheduled hearing in a location accessible to the public. Records of the public hearing and comments will be part of the participation record available with the Amendment or Plan update.

Advisory Group Composition

PAG encourages coordination and cooperation among jurisdictional departments, agencies, and other partners within PAG committees and programs, as well as participation in key events. The updated PAG consistency process creates a more efficient regional approach to evaluating proposals while effectively encouraging regional coordination at key trigger points. PAG abides by [40 C.F.R. § 25.77](#) in forming advisory groups within committees that advise 208 planning procedures. This regulation stipulates that representation by private citizens, public officials, and economic interests are included in the advisory groups, which PAG fulfills through committee structure. Committees that vote on 208 planning issues include WPS, EPAC, the Management Committee, and the Regional Council.

PAG committees and Regional Council have seats for elected officials and employees of PAG member jurisdictions, with additional seats on EPAC for citizens of each jurisdiction. Member jurisdictions include the Cities of Tucson and South Tucson, the Towns of Marana, Oro Valley and Sahuarita, Pima County, the Pascua Yaqui Tribe, the Tohono O'odham Nation and the Governor-appointed Pima County representative of the Arizona State Transportation Board (ASTB). The ASTB representative votes on transportation matters only. The WPS prioritizes the DMAs for the jurisdictional seats on that subcommittee.

Under 40 C.F.R. § 25.7 it is required that areas and groups impacted by 208 activities be included as advisors. PAG recognizes that planning for wastewater infrastructure affects, and is affected by, other planning efforts in the region, such as transportation planning, contaminants, flood control, solid wastes, land use planning and water resource planning, many of which are named in PAG 208 policies and adopted procedures. Relevant interested parties, stakeholders, representatives, experts and agencies are invited to participate in the open committee meetings and are included on distribution lists, whenever feasible and applicable.

The requirement for public officials within the 208 process is covered through involvement of PAG's Management Committee and Regional Council. The names and contact information of each member will be kept and is available (in accordance with 40 C.F.R. § 25.7 (d)) in PAG committee

⁷<https://www.gpo.gov/fdsys/pkg/CFR-2001-title40-vol1/pdf/CFR-2001-title40-vol1-sec25-7.pdf>

fact sheets and/or on the PAG website. Member vacancies will be pursued annually or more often if needed. Participant names are recorded on Legal Action Reports and/or minutes for meetings. Distribution lists are recorded and available for documentation. When problems arise in meeting membership composition and participation, PAG will include this information in packages forwarded to ADEQ and EPA and request advice or assistance (40 C.F.R. § 25.7 (c)(iv)). PAG designates a 208 contact in accordance with (40 C.F.R. § 25.7 (e)(1)).

Advisory Group Purpose

The EPA and ADEQ require PAG to maintain ongoing meetings to facilitate the 208 planning to help build consensus. PAG is required to post the updated membership, respond to their information requests, and transmit their recommendations.

Specifically, the EPA (40 C.F.R. § 25.7) and ADEQ (1984 State WQM Plan, page 22) rely on PAG as a convener of these committees to maintain continued attention of an informed, diverse group of citizens to “foster constructive interchange among the various interests present on the group and enhance prospects of community acceptance of agency action” in accordance with 40 C.F.R. § 25.7 (b). PAG will ensure regular meetings and membership to meet the requirement for “continued attention of an informed core group of citizens” (40 C.F.R. § 25.7 (b)) and to maintain awareness or solicit advice on community attitudes (40 C.F.R. § 25.7 (f)) such as through presentation requests. “Public effort in reporting violations shall be encouraged” (40 C.F.R. § 25.9). Meetings can be held when requested by members in accordance with 40 C.F.R. § 25.7 (f). Members will be consulted to help develop a public participation program providing input such as whom to reach out to during public notice processes in accordance with 40 C.F.R. § 25.7 (e)(2). They will meet to participate in the 208 Plan update process, to identify regionally significant water-related priorities, to analyze water-related issues, to track actions and to convey recommendations of top issues for ADEQ funding. Recommendations will be forwarded in written format in accordance with 40 C.F.R. § 25.7 (e)(2) and (f), to “assist elected or appointed officials with final decision making” (40 C.F.R. § 25.7 (b)). According to PAG Committee Fact Sheets and bylaws, jurisdiction-only votes may be called. However, in accordance with EPA regulations, recommendations of all advisors will be transmitted such as who abstained, suggested actions, comments that were addressed, or concerns stated. PAG will create responsiveness summaries for public participation activities including significant comments, responses and explanations for rejected proposals in accordance with 40 C.F.R. § 25.8.

As described in the procedures, WPS and EPAC will meet when Amendments, Coordination Processes or 208 Plan Updates are needed. Under EPA regulations, the committees may request presentations to solicit outside advice and information. They will meet to discuss updates to water quality conditions and programs and will be informed of PAG’s resulting Administrative updates.

Title VI and Environmental Justice

PAG, as the DPA and MPO of the Tucson region, receives federal funding and therefore 208 Planning follows Executive Order 12898 on Environmental Justice and Title VI of the 1964 Civil Rights Act, and Executive Order 13166 on Improving Access to Services for Persons with Limited English Proficiency and the Americans with Disabilities Act. Title VI of the 1964 Civil Rights Act (42 U.S.C. 2000d-1 and related regulations) states that, “no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal

financial assistance.” A 1994 Presidential Executive Order directed every federal agency to make environmental justice part of its mission by identifying and addressing the effects of all programs, policies, and activities on “minority populations and low-income populations.” PAG’s Public Involvement Policy provides a thorough description of PAG’s efforts to ensure compliance with these requirements.

Environmental justice policies assert that all people are entitled to equal protection from environmental risks. It is also important to consider how the implementation of infrastructure practices can bring environmental, economic, and social benefits to the communities that need them the most, equalizing access to environmental protection and benefits, and create a healthier environment in which to live and work. EPA (2018) defines environmental justice as the “fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” Title VI provides a key legal basis for environmental justice, while Executive Order 12898 on Environmental Justice expands benefits to a wider population.

Across the United States, a variety of socioeconomic metrics are used to identify communities with environmental justice needs, but all of these communities have one thing in common: populations that suffer a disproportionate share of the negative environmental consequences resulting from industrial, governmental, and commercial operations or policies. Taken together, Title VI and Environmental Justice stakeholders are individuals and protected populations, including: (a) minorities based on race, religion, or national origin; (b) low-income residents; (c) elderly residents; and (d) disabled residents.

Within this context, PAG recognizes the importance of waste treatment to all residents in the region and works toward the fair distribution of benefits and burdens of infrastructure improvements on water quality and finances. PAG staff will take a number of proactive measures to provide full and fair participation in water quality planning by all potentially affected communities. This includes maintaining a high level of diversity on advisory committees through annual evaluation of membership with jurisdictions, use of up-to-date maps identifying Title VI and Environmental Justice protected populations. Additionally PAG engages affected representatives in PAG’s public meetings and hearings, and provides communication in a culturally sensitive manner.

As a part of plan updates, Amendments, and Coordination Processes, GIS analysis also will be conducted to determine the distribution of impacts and benefits of 208 decision making regarding water quality permits and water treatment infrastructure on Environmental Justice and Title VI communities. To address the region’s needs for wastewater infrastructure, a plan performance assessment of Title VI compliance will be used to analyze the impact of future improvements to wastewater system across the region. For example, a TAZ, with the ratio of the population in each protected group to the total population higher than the county average ratio, can be deemed a concentration area. GIS and modeling analyses can be conducted to assess the impact of current infrastructure conditions, new infrastructure in 208 Plan updates or Amendments on the population in the concentration areas in order to consider impacts or benefits to that area. This may be compared against the impact on the regional population as a whole, if relevant, to ensure Title VI compliance. Each jurisdiction, DMA sponsor and facility owner are responsible for project-specific Environmental Justice and Title VI compliance assessments during project development as part of the planning and construction of its individual projects.

PAG's Title VI Plan, policies and Limited English Proficiency Plan are available on [PAG's website](#)⁸.

Priority Waterbodies

Table 1 is a list of the highest priority streams in Pima County for water quality and quantity monitoring, management, and restoration. The streams were selected by Pima County staff as part of the water quality element of [Pima Prospers](#)⁹ and the [Pima County Sonoran Desert Conservation Plan](#)¹⁰, with the assistance of PAG assessments. Stream selection was based primarily on the presence of perennial or intermittent stream flow, the area of riparian habitat, the presence of historical or existing populations of native fish and frog species, and location with respect to other surface water sources and possible wildlife corridors. The potential threat to any individual stream or the fact that an individual stream might already be monitored or protected was not considered when developing the list. Some streams did not have as high a habitat value as others but were included because they were considered to be a priority by the Bureau of Land Management, the U.S. Fish and Wildlife Service (FWS), PAG, the Arizona Game and Fish Department (AGFD), or County documentation reports. Pima County's Sonoran Desert Conservation Plan Riparian Element report and the historical occurrence of native fish were used to determine the resources present in and around each stream.

Table 1. Priority Waterbodies in Pima County

Agua Caliente Canyon	Espiritu Canyon
Agua Verde Creek	Florida Canyon
Arivaca Creek	Mattie Canyon
Bingham Cienega	Quitobaquito Spring
Buehman Canyon	Rincon Creek
Cañada del Oro (upper)	Sabino Canyon (upper and lower)
Cienega Creek (upper and lower)	San Pedro River
Davidson Canyon	Tanque Verde Creek (upper)
Empire Gulch	Wakefield Canyon/Nogales Spring

Priority stream locations are shown in Figure 7 with protected public land areas for reference and wastewater facility locations to show proximity. Outstanding Arizona Waters, as identified and regulated under the state, have stricter water quality standards, which must be met to be consistent with the 208 Plan. Additional information is available on the [Biological Goal of the Sonoran Desert Conservation Plan webpage](#)¹¹.

In recognition of the resource value of the waterbodies listed in Table 1, PAG's 208 Plan strongly discourages the discharge of pollutants to these water bodies.

⁸<https://pagregion.com/title-vi/>

⁹http://webcms.pima.gov/government/pima_prospers/

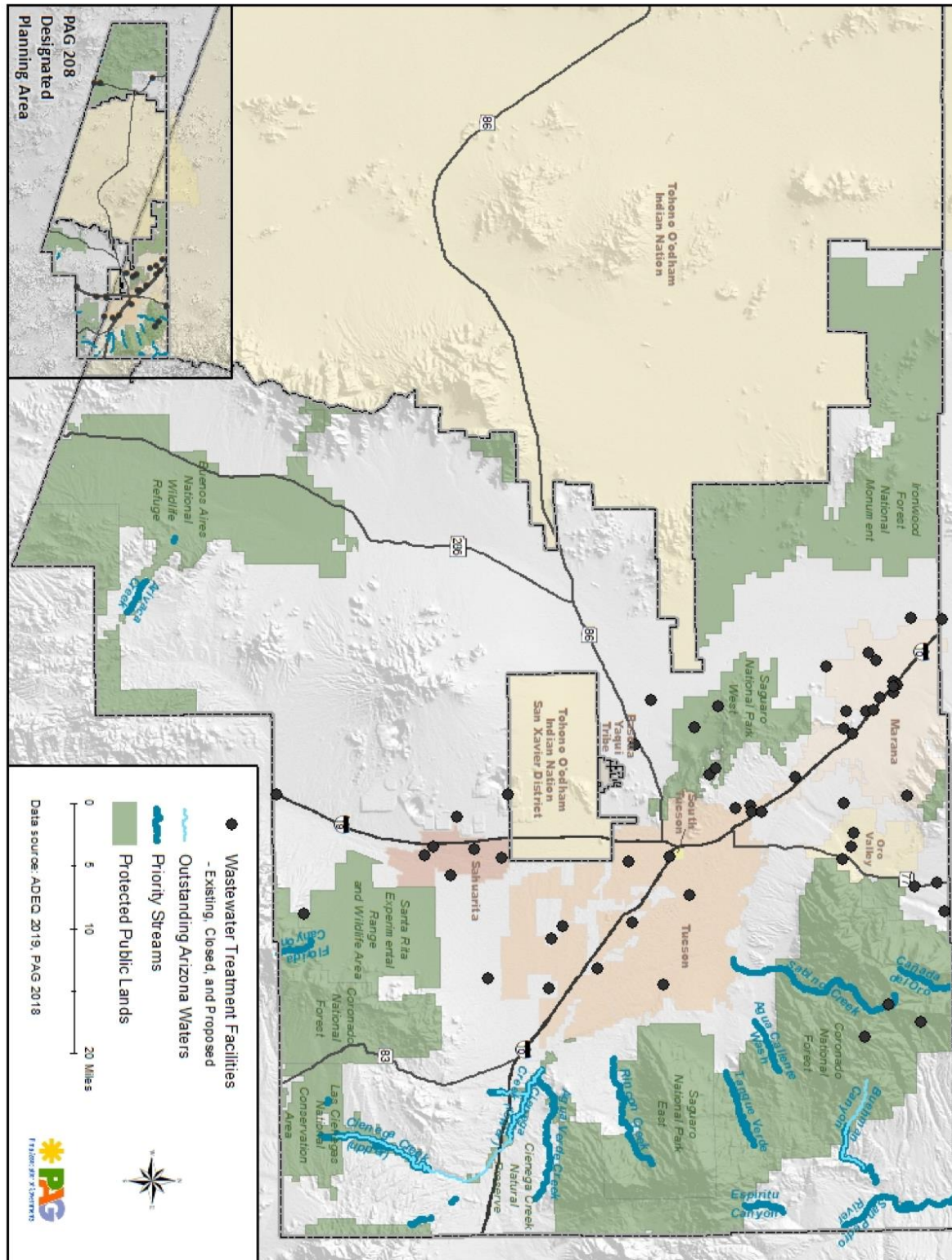
¹⁰http://webcms.pima.gov/government/sustainability_and_conservation/conservation_science/the_sonoran_desert_conservation_plan/

¹¹<http://webcms.pima.gov/cms/one.aspx?portalId=169&pageId=56301>

PAG Policy:

- Issuance of AZPDES permits for commercial, industrial, or domestic wastewater facility discharges to the priority waterbodies would be inconsistent with the 208 Plan. Future 208 Plan Amendment applications that would allow such discharges are discouraged but not prohibited if consistent with state surface water quality standards. However, efforts to restore floodplain aquifers or reestablish flow or degraded riparian vegetation would require special consideration to determine if there are net biological benefits. {2006 208 Plan}

Figure 7. Map of Priority Streams and Outstanding Arizona Waters in Pima County



Regionalization

Regionalization of wastewater planning is encouraged due to historic trends of water quality impacts of small private facilities.

PAG Policy:

- All wastewater should be treated in regional facilities, except for remote areas or areas where it can be clearly demonstrated by the builder that a small [facility] is environmentally and economically preferable to regional treatment from the point of view of the public good. {1985 Point Source Update}
- Within [approved facility planning] areas where treatment and conveyance capacity exists, [new] public and private treatment facilities should not be allowed where the facility would treat primarily compatible pollutants. {1980 Amendment}
- It is 208 planning policy to treat sewage in regional and sub-regional publicly owned water reclamation facilities and to discourage privately owned facilities. {1985 Point Source Update}

This regionalization policy is implemented by requiring 208 Plan Amendments, in which these conditions are reviewed and assured, before privately owned wastewater treatment facilities under an Individual APP can be constructed and/or be issued a discharge permit from ADEQ.

The reason for the regionalization policy, as explained in the 1985 Areawide Point Source Update, is that various negative impacts historically resulted when a number of small private wastewater treatment facilities were constructed. The following considerations were noted in the 1985 Point Source Update with regard to small, private facilities:

- difficulty in sewerage adjacent privately owned properties
- reliability of small wastewater treatment facilities
- problems that industrial wastes and sludge disposal create for small facilities
- potential degradation of groundwater
- invalidation of regional plans

In addition, a proliferation of small facilities could place a strain on resources for inspection and enforcement, and it could result in WQM in the region becoming the responsibility of numerous entities having varying levels of experience with local conditions. Also, if a waterbody were to become impaired, the presence of numerous discharges to that waterbody would complicate efforts to improve water quality and prepare a TMDL. Increased competition among local entities for federal loans and grants could also occur with an increase in the number of wastewater treatment facilities in the region.

Reuse of Effluent

The importance of treated wastewater as a water resource in the region has been acknowledged in PAG's 208 Plan for 25 years or more. PAG will continue to rely on ADEQ policies when conducting areawide WQM planning and when reviewing proposed new or expanded public or privately owned wastewater treatment facilities.

ADEQ Regulations

Arizona has effluent reuse regulations that apply to the facility generating the wastewater that will be reused and to the site where the reclaimed water is used or applied. The facility providing the reclaimed water must have an Individual APP indicating the class of reclaimed water it generates. The APP requires the facility to monitor the effluent quality to ensure that the effluent limitations for the applicable reclaimed water class are met.

The Reclaimed Water Quality Standards establish five classes of reclaimed water, as defined in A.A.C. § R18-11-303 through A.A.C. § R18-11-307:

- Class A+ reclaimed water is wastewater that has undergone secondary treatment, filtration, nitrogen removal treatment, and disinfection.
- Class A reclaimed water is wastewater that has undergone secondary treatment, filtration, and disinfection.
- Class B+ reclaimed water is wastewater that has undergone secondary treatment, nitrogen removal treatment, and disinfection.
- Class B reclaimed water is wastewater that has undergone secondary treatment and disinfection.
- Class C reclaimed water is wastewater that has undergone secondary treatment in a series of wastewater stabilization ponds, including aeration, with or without disinfection.

Table A under A.A.C. § R18-11-309 lists the minimum water quality requirements for direct reuse of Class A, B and C reclaimed water.

Under A.A.C. § R18-9-7, since 2018, Arizona has allowed the construction of advanced reclaimed water treatment facilities that treat and purify Class A+ or Class B+ reclaimed water to produce potable water suitable for distribution for human consumption. Potable water produced by an advanced reclaimed water treatment facility is no longer considered reclaimed water, but recycled water. Recycled water is defined under A.A.C. § R18-9-A701 as a processed water that originated as a waste or discarded water, including reclaimed water and gray water, for which ADEQ has designated water quality specifications to allow the water to be used as a supply.

PAG Policies

The original 1978 PAG 208 Plan recommended the development of integrated regional strategies to reuse treated domestic wastewater. Since that time, PAG has adopted the following policies regarding recycled water, reclaimed water and effluent reuse:

- Wastewater reuse should be used as a disposal alternative wherever possible. {1980 Amendment}
- The practice of effluent reuse is strongly endorsed by the PAG Regional Council and its member jurisdictions. {1985 Point Source Update}
- Planning for wastewater treatment and effluent reuse treatment facilities will be done jointly by [the DMA] and local jurisdictions and will require Regional Council approval. {1985 Point Source Update}
- Private developments desiring effluent for use within a proposed project are encouraged to utilize [available reclaimed water supplies]. {1985 Point Source Update}

- All wastewater treatment [facilities] must include an environmentally compatible method of effluent and residuals disposal or reuse. This method must not place a significant economic burden on other users of the system and must not be “inconsistent” with the adopted regional effluent reuse plan. {1985 Point Source Update}
- Projects requiring an AZPDES permit for the use of reclaimed water to restore or enhance riparian vegetation along ephemeral or effluent-dependent drainages will generally be found to be consistent with the 208 Plan. {2006 208 Plan}

Local Jurisdiction Agreements

PAG will work with local jurisdictions to ensure local policies are considered for project proposals that include legal and contractual ownership of effluent in the region and the Conservation Effluent Pool IGA. More information about effluent rights is available in Appendix B.

Temporary Facilities and Conversion of On-Site Facilities

A temporary facility, such as a package plant, may be deemed to be consistent with the 208 Plan only if the following policies are met:

- Temporary treatment facilities are prohibited unless needed because of lack of planned service to the area and a temporary [facility] is the most environmentally and economically beneficial (to the public) way of providing wastewater treatment or effluent reuse. {1985 Point Source Update}
- All temporary [facilities] must have a plan for transition to a permanent method of wastewater treatment, including financing arrangements that will not adversely affect the public. These arrangements must include payment of sewage connection fees and any other financing arrangements which [the relevant DMA] deems necessary for efficient service to the public. {1985 Point Source Update}
- All temporary [facilities] must have a plan for wastewater service to neighboring areas, including flow through conveyance capacity and easements, with sizing in accordance with a Basin Study, all approved by [the relevant DMA]. {1985 Point Source Update}

Private and some public facilities, such as schools and parks, use on-site wastewater treatment facilities because sewer collection service is not available. Conversion of these on-site wastewater treatment facilities to regional or sub-regional sewage collection and treatment systems is considered consistent with the 208 Plan provided that it yields a net environmental benefit, the appropriate jurisdiction and DMA do not object, and the facility does not serve any offsite areas.

Industrial Facilities

The 208-related C.F.R. and A.A.C. regulations do not exempt industrial dischargers from 208 consistency. All Section 303 requirements are covered under 40 C.F.R. § 130.6, including mining and other industrial discharges. In PAG’s DPA designation letters, PAG is designated the responsibility for areawide waste treatment management planning, with waste waters including nonpoint, municipal and industrial waste discharge.

As established in PAG’s previously adopted 208 Plans, it is PAG 208 policy that surface water discharges of industrial wastewater requiring AZPDES permits are inconsistent with the 208 Plan

unless otherwise specified in the 208 Plan or in an approved 208 Plan Amendment. However, PAG also has the 208 policy that industrial stormwater discharges, which are in compliance with the ADEQ's MSGP or that are addressed by AZPDES municipal stormwater permits, are consistent with the PAG 208 Plan. Other industrial discharges are considered inconsistent with the 208 Plan and would require a PAG 208 process. {2006 208 Plan}

PAG reviews APPs for industrial dischargers, including mines, for 208 consistency if the APP is for a domestic wastewater treatment facility (with capacity 0.024 MGD or greater). These facilities must be used to treat domestic wastes only and may not be used for the treatment or disposal of industrial wastes. Small domestic on-site wastewater treatment facilities (with capacity less than 0.024 MGD) for employees of mining operations or other industrial sites may be eligible for an APP Type 4 General Permit through Pima County, and a PAG 208 process might not necessarily be required.

Facilities Constructed Despite Lack of Conformance with 208 Plan

PAG Policy:

- PAG's policy on facilities [new or existing] constructed despite lack of conformance with the 208 Plan is that they should be connected to the regional wastewater treatment system and that the areas served by these facilities should be served by the DMA with a facility that conforms with the 208 Plan [when feasible for the DMA]. Any expansion of the non-conforming facilities would be inconsistent with the 208 Plan. Issuance of new permits, modified permits, or permit renewals for non-conforming facilities would be inconsistent with the 208 Plan. {2006 208 Plan, Section 9.4}

Conformity by Other Regulated Programs

The objective of the CWA is to restore and maintain the biological, chemical, and physical integrity of the nation's waters. Under federal and state environmental laws and regulations, various permitting decisions must be made in accordance with 208 Plans. In particular, APPs and National Pollutant Discharge Elimination System (NPDES; AZPDES in Arizona) permits can only be issued once conformance with the applicable 208 Plan has been demonstrated. The TMDL provision of the CWA also affects areawide WQM planning.

The 208 Plan is intended to provide ample demonstration of 208 conformance, and issuance of APPs and AZPDES permits to consistent facilities should be allowed. In addition, the 208 Plan supports AZPDES permits for municipal stormwater discharges, groundwater remediation projects, reclaimed water projects, and small-volume (i.e., de minimis) discharges and encourages riparian restoration projects.

Appendix A identifies all wastewater treatment facilities under APP that are consistent with the 208 Plan. Additional permits, such as effluent reuse permits, 404 permits, and permits for the discharge of stormwater, may also be required for these facilities.

Aquifer Protection Permit Program

The APP program is a state program designed to protect the water quality of Arizona's aquifers. An APP is needed for any facility that discharges a pollutant to an aquifer or to the land surface

or vadose zone in such a way that the pollutant may reach the aquifer. Facilities requiring APPs include (ADEQ 2016):

- Surface impoundments, pits, ponds, and lagoons;
- Solid waste disposal facilities, except for mining overburden and wall rock that have not been subjected to mine leaching operations;
- Injection wells;
- Land treatment facilities;
- Facilities adding pollutants to a salt dome, salt beds, or salt formations, dry wells, underground caves, or mines;
- Mine tailings piles and ponds;
- Mine leaching operations;
- Septic tank systems;
- Underground water storage facilities (if wastewater effluent is used);
- Point-source discharges to U.S. navigable waters; and
- Sewage or wastewater treatment facilities.

In the case of wastewater treatment facilities, ADEQ will not issue an APP unless the facility is consistent with the appropriate 208 Plan (A.A.C. § R18-9-A903[6]). See Detailed Policies and Procedures per Entity Type and Policies and Procedures for Multiple Facility Types for specific 208 consistency requirements.

Small On-Site Wastewater Treatment Facilities Under APP Type 4 General Permit

The 208 Plan discourages private wastewater treatment facilities. All private facilities are considered to be inconsistent with the 208 Plan unless specified otherwise in the 208 Plan or in an approved 208 Plan Amendment. Under certain circumstances, permits are issued by ADEQ. On-site wastewater treatment facilities are defined as any system constructed under A.A.C. § R18-9-E.

Wastewater treatment systems with a design flow 0.024 MGD (24,000 gallons per day [GPD]) or greater are required to obtain an APP Individual Permit and since they are inconsistent with the PAG 208 Plan, must undergo a 208 Plan Amendment to seek consistency (Process C).

As of 2020, ADEQ continues to require on-site and septic systems with a design flow less than 0.024 MGD to obtain an APP Type 4 General Permit. On-site and septic systems with a design flow below 0.003 MGD (3,000 GPD) are required to obtain APP Type 4.01 to 4.22 General Permits. On-site and septic systems with a design flow between 0.003 and <0.024 MGD are required to obtain an APP Type 4.23 General Permit. Please see A.A.C. § R18-9-E302 to R18-9-E323 for the latest regulations regarding Type 4 General Permits.

Type 4 General Permits for wastewater treatment facilities located in the PAG region are reviewed by PDEQ, which has been delegated review authority under A.A.C. R18-9-A309(5)(a)(3). For APP Type 4.01 General Permits for sewage collection systems, if the facility to be constructed will be owned by the PCRWRD, the Discharge Authorization will be issued by the Tucson Office of ADEQ. Most records for APP Type 4 General Permit on-site wastewater

treatment facilities are in paper archives maintained by Pima County. Pima County maintains a [database](#)¹² for the on-site wastewater treatment facilities they have permitted in the previous 10 years that can be accessed individually based on search inputs.

Policies:

- A.A.C. R18-9-A309(5)(a)(iii) states that on-site facilities should connect to a sewage collection system if located within an area identified by a 208 Plan.
- PAG encourages properties served by on-site wastewater treatment facilities to connect to sewer collection systems if practical and financially feasible when public sewer collection systems become available.
- Installation and use of on-site systems where connection to a DMA's water reclamation conveyance system is technically and economically feasible would be inconsistent with the 208 Plan. {2006 208 Plan}
- Determination: All on-site wastewater treatment facilities under APP Type 4 General Permit are considered "not inconsistent" with the 208 Plan if a connection to a public sewer collection and treatment system is not technically or financially feasible, and the conditions below are met.

For details about specific conditions that would allow public facilities under Type 4 General Permit, see the section titled 'Policies for Small Public Facilities'.

A very small, isolated private wastewater treatment facility would be "not inconsistent" with PAG's 208 Plan under the following conditions. PAG recommends that PDEQ ensure the following conditions when reviewing APP Type 4 General Permits. PAG, the DMAs and the joint committee meeting members reserve the right to have the option to (but are not required to) follow a Consistency Review, Amendment (Process C), or Coordination Process (Process B) for APP Type 4 General Permit facilities should any of the following conditions not be met:

- the facility will not meet or exceed 0.024 MGD capacity;
- no sewer service from the applicable DMA will likely be available within 10 years, and the DMA declines (in writing) to provide service to the area that the private facility would serve;
- there are adequate assurances that the facility will connect to the public conveyance and treatment system at such time that service by a DMA becomes available (the DMA will determine what is required to demonstrate "adequate assurance");
- the facility owner and operator self-certify, to the satisfaction of ADEQ, PDEQ, the DMA, the water provider and the local jurisdiction where the facility would be located, the financial and technical capability to operate the facility for the entire time that the facility will be needed;
- there will be no discharge to any waters of the United States;
- the facility will not receive any commercial or industrial waste;
- neither the facility nor the conveyance lines to the facility will interfere with future plans for regional sewer service to the area or to adjacent or upstream areas;

¹²<http://onbase.pima.gov/publicaccess/DS/datasourcetemplate.aspx?MyQueryID=239>

- the facility will not interfere with water providers' plans for providing water or reclaimed water to the site or to surrounding areas;
- the jurisdiction in which the facility will be located supports the construction of the facility, and none of the other PAG member jurisdictions provide an objection letter;
- the water provider whose service area includes the proposed facility location does not object to construction of the facility;
- it is demonstrated through proposed BMPs that the facility will not cause any water quality or odor impacts to surrounding areas; and
- all residents and property owners within a half mile of the proposed facility location are notified of the proposal, and none of the residents or property owners within a half mile object to the proposal within 30 days of being notified.

Biosolids

PAG Policy for Consistency Determinations:

- Disposal or use of biosolids by any of the [methods requiring an APP] is consistent with the 208 Plan provided that all applicable local, state, and federal regulations are followed. {2006 208 Plan, Section 10.5}

PAG does not have additional policies for biosolids.

AZPDES Permitting

All facilities that discharge pollutants from any point source into waters of the United States are required to obtain or seek coverage under an AZPDES permit (ADEQ 2017). As specified by the CWA, permits for discharges from MS4s must require controls to reduce the discharge of pollutants to the maximum extent practicable. AZPDES permits address effluent limitations, monitoring requirements, reporting requirements, and other special conditions such as BMPs. Applications for new discharges must be made no later than 180 calendar days before the discharge is anticipated to begin, assuming that a permit is issued by ADEQ. Applications for permit renewals (for existing dischargers) must be made at least 180 calendar days prior to the expiration of the existing permit. Facilities must be consistent with the appropriate 208 Plan in order to receive a permit.

An MS4 is a conveyance or system of conveyances (roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, storm drains, etc.) that is also:

- Owned or operated by a public entity (which can include cities, townships, counties, highway departments, universities, etc.) having jurisdiction over the disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district, drainage district, or similar entity, or an Indian tribe or an authorized tribal organization, or a designated and approved management agency under Section 208 of the CWA that discharges to waters of the United States
- Designed or used for collecting or conveying stormwater
- Which is not combined with sanitary sewer flows, and
- Which is not part of a publicly owned water reclamation works.

Large MS4s in the PAG region include:

(Links load to stormwater program pages.)

- [The Arizona Department of Transportation](#)
- [City of Tucson](#) ([Stormwater Management Plan](#))
- [Pima County](#) ([Stormwater Management Plan](#))

Small MS4s in the PAG region include:

(Links load to stormwater program pages.)

- [City of South Tucson](#)
- Davis-Monthan Air Force Base
- [Town of Marana](#)
- [Town of Oro Valley](#)
- [The University of Arizona](#)
- Veterans Hospital, Tucson

Nonpoint Source Program

ADEQ's Nonpoint Source Program focuses on the following land use categories, which can negatively impact water quality (ADEQ 2014):

- Crop Production
- Livestock Grazing
- Forested Areas
- Urban and Developed Areas (including on-site/septic wastewater treatment systems)
- Recreation Areas
- Mining Operations

The program is implemented by working closely with stakeholders and local communities. Arizona's Nonpoint Source State Management Plan provides a framework for cooperative efforts and strategies to control nonpoint source pollution statewide. Numerous types of precipitation-induced runoff are treated as point sources rather than as nonpoint sources under the CWA - including stormwater associated with industrial activity, construction-related runoff, and discharges from MS4s. MS4s manage nonpoint source pollutants before they reach storm sewer drains and become a point source at the outfall.

Municipal Stormwater Discharges

PAG's 208 Plan recognizes the importance of maintaining stormwater quality and reducing nonpoint source pollution as part of a comprehensive WQM plan. PAG works with local municipalities to develop and coordinate regional public outreach and education programs on stormwater pollution prevention and to help local governments with stormwater permitting issues as they arise.

Issuance of AZPDES permits to municipalities and Pima County for stormwater discharges will generally be consistent with the 208 Plan. ADEQ does not typically send these permit applications to the DPAs for Consistency Reviews. Applicants work directly with ADEQ. PAG will conduct review and regional coordination if either applicant or ADEQ makes a request.

Groundwater Remediation Projects

PAG's 208 Plan encourages the remediation and beneficial use of contaminated groundwater. In the event that a groundwater remediation project requires an AZPDES discharge of the treated water, issuance of the permit would, under most circumstances, be consistent with the 208 Plan, provided that no local jurisdiction potentially affected by the discharge objects.

Reclaimed Water Projects

Expansion of the regional reclaimed water system or the use of reclaimed water within all DMA areas is encouraged by the 208 Plan. Additional treatment of this water, expansion of facilities, and increased use of reclaimed water, as proposed in the [City of Tucson's Water Plan 2000–2050](#)¹³ (including the recharge of groundwater supplies) are all supported by the 208 Plan.

Riparian Restoration Projects

PAG's 208 Planning policy on riparian restoration projects is that projects requiring an AZPDES permit for the use of reclaimed water to restore or enhance riparian vegetation along ephemeral or effluent-dependent drainages will generally be consistent with the 208 Plan, provided that the project does not conflict with other local or regional plans or intergovernmental agreements.

De Minimis Discharges

The De Minimis Discharge general permit provides a simple and fast way to obtain permit coverage for certain types of non-stormwater discharges to surface waters of the United States, as an alternative to individual AZPDES permitting. "De Minimis discharge" is defined as a discharge to U.S. waters that:

- meets the applicable surface water quality standards;
- is a low-flow and/or low-frequency event, or is otherwise determined by ADEQ to have no significant impacts on water quality or the environment;
- is conducted with appropriate best management practices;
- and does not last continuously for more than 30 days unless ADEQ approves a longer discharge period.

This permit is available to cover discharges such as some reclaimed water systems.

Discharges authorized by the AZPDES De Minimis General Permit are typically consistent with the 208 Plan. PAG does not require review of these permit applications unless requested.

Total Maximum Daily Loads

A TMDL is the maximum daily amount of a pollutant that can be carried by a waterbody without causing an exceedance of a water quality standard. TMDLs are calculated for waterbodies

¹³<https://www.tucsonaz.gov/water/waterplan>

included on the Section 303(d) list of impaired waters. A TMDL is the sum of the pollutant loads from natural sources, nonpoint sources, and point-source discharges of the pollutant (EPA 2018).

TMDLs are one of the required elements that must be included in 208 Plans or referenced as part of the 208 Plans. TMDLs that have been completed by ADEQ for Arivaca Lake and Lakeside Lake are hereby incorporated by reference into the 208 Plan. More information about these TMDLs is available in Appendix A, Chapter 2: Water Quality and Management Efforts.