



PIMA COUNTY
REGIONAL WASTEWATER RECLAMATION DEPARTMENT
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January 20, 2011

Claire Zucker
Watershed Planning Manager
Pima Association of Governments
177 N Church Avenue, Suite 405
Tucson, Arizona 85701

Dear Ms. Zucker,

Pima County would like to frame the discussion on the proposed Marana 208 Plan Amendment for Designated Management Agency (DMA) status as it moves forward to the Watershed Planning Subcommittee and Environmental Planning Advisory Committee (EPAC). As you are aware, the PAG Scope of Work Committee discussions began in November 2008 and were suspended in September 2009. The proposed 208 Plan Amendment that was brought back to the Scope of Work Committee in October 2010 was less detailed than the 2008 - 2009 draft which the Committee had invested a significant amount of time revising and refining.

PAG is charged by the Clean Water Act with insuring that a proposed 208 Plan Amendment meets Plan Amendment requirements which essentially includes a realistic evaluation of the "identification of the measures necessary to carry out the plan (including financing), the period of time necessary to carry out the plan, the costs of carrying out the plan within such time, and the economic, social, and environmental impact of carrying out the plan within such time" (33 USC 1288 (b) (2) (E)). At this time, the County believes that the Watershed Planning Subcommittee and EPAC should focus on the economic, social and environmental impact of the proposed 208 Plan Amendment in their review and discussions. The elements that should be included and responded to in these reviews are:

1. Compare the existing Pima County DMA structure and plan with the Town's DMA proposal so that the citizens of Pima County and Marana can evaluate the need for and advisability of any changes to the existing DMA structure, all the alternatives, and their cost impacts.
2. Provide a detailed discussion as to what agreements and permits will be necessary to properly operate a wastewater conveyance and treatment system, and describe for how long and under what assumptions Pima County will continue to perform all the work of conveyance and treatment for the Town.
3. Discuss how the proposed Plan Amendment supports the cost-effective conveyance and treatment of wastewater for the region and the beneficial utilization of effluent rather than simply supporting the Town's goal to acquire and manage effluent resources for water supply assurance purposes.

4. Provide documentation supporting the Town's contention that it can operate a DMA beyond the Town limits. The proposed Marana 208 Plan Amendment establishes the Town of Marana's "Planning Area" boundaries (extending into unincorporated Pima County) as the Marana 208 DMA boundaries thus complicating the provision of sewer services to future residents and developments in those areas.
5. Discuss key technical issues such as specific WRF locations, specific treatment processes, water quality permits and specific provisions for the beneficial utilization of effluent to allow the community to compare the economic, social, and environmental impacts of these facilities with the existing Pima County DMA facilities.
6. Discuss the key financial plan assumptions to construct and run the projected wastewater facilities and the overall financial impact of the Plan Amendment on the community. It was stated by the Town's financial consultant in July 2009 that a detailed financial plan had been prepared and presented to the Town, but the specifics of that plan have not been made available for the Scope of Work Committee or the public to review. An appropriate financial plan would include a proposed O & M budget, a detailed narrative of the five-year capital improvement plan, and a five-year financial plan including proposed rates and charges for Marana residents and developers.
7. Describe how the proposed amendment safeguards the substantial investment in the existing Marana WRF by Pima County and Marana citizens. Discuss the financial impact on Marana and Pima County residents due to the construction of new treatment facilities by Marana for the area in addition to, or instead of, the existing County facility constructed to provide these services.

Furthermore, it should be noted that the litigation between the Town of Marana and Pima County resulted in Pima County being granted reimbursement of a portion of its legal fees from the Town because the judge stated that the County was "overall, the successful party" in the case. Until appeals are exhausted, it will not be clear whether the Town has legal authority to provide treatment services within its boundaries. Under section 208 of the Clean Water Act, legal authority to treat is a critical requirement in the determination as to whether an entity can become a DMA.

Therefore, the proposed Marana 208 Plan Amendment should not move forward until the economic, social and environmental impacts are fully described to the PAG committees and the citizens of Marana and Pima County so informed discussions and recommendations can take place. Further, the 208 Plan Amendment should not move forward until all court proceedings are complete and the Town can show that it has the authority to provide wastewater services.

Sincerely,



Michael Gritzuk, P.E.

Director, Pima County Regional Wastewater Reclamation Department

cc: C.H. Huckelberry, County Administrator
John Bernal, Deputy County Administrator for Public Works
Jackson Jenkins, Incoming Director RWRD