

MINUTES
FLOOD CONTROL DISTRICT ADVISORY COMMITTEE/PUBLIC REVIEW
June 16, 2010

Committee Members Present: Keith Brann, Andy Dinauer, Janice Hughes, Carl Larson, Dave Parker, Phil Pearthree, Doug Shakel, Linwood Smith, Justin Turner, Mike Zeller

Flood Control District Staff Present: Suzanne Shields, Director; Chris Cawein, Deputy Director; Bill Zimmerman, Planning & Development Division Manager; Evan Canfield, Chief Hydrologist; Tamara Jorde, Special Staff Assistant

Others Present: N/A

The meeting was held at 97 E. Congress Street, Tucson, Arizona, 3rd Floor Conference Room.

APPROVAL OF MINUTES

The committee approved the meeting minutes of May 19, 2010.

QUERY TO THE AUDIENCE

No business.

CONTINUING BUSINESS

FCDAC 2010 Summer Schedule

A motion was made to cancel the July and August FCDAC meetings. The motion passed with one opposed. The next meeting will be held on September 15, 2010.

D-FIRMS Update

The Arizona Daily Star article entitled, *Flood plan changes to affect thousands* (see attached article) was discussed. For example, if a parcel lies within a floodplain it does not necessarily mean the house is in the floodplain. In those cases, the District obtains a survey and includes it in a Letter of Map Revision so the homeowner will not have to pay for flood insurance.

Regulatory Updates

Dave Parker briefly discussed the draft National Pollutant Discharge Elimination System permit for point source discharges from the application of pesticides to waters of the United States:

Pesticides

OVERVIEW

***EPA Pesticide General Permit for Discharges from the Application of Pesticides
Proposed Pesticide General Permit***

On June 2, 2010, EPA announced the public availability of a draft National Pollutant Discharge Elimination System (NPDES) permit for point source discharges from the application of pesticides to waters of the United States. This permit is also known as the Pesticides General Permit (PGP). The PGP was developed in response to a decision by the Sixth Circuit Court of Appeals (National Cotton Council, et al. v. EPA). The court vacated EPA's 2006 rule that said NPDES permits were not required for applications of pesticides to U.S. waters. As a result of the Court's decision, discharges to waters of the U.S. from the application of pesticides will require NPDES permits when the court's mandate takes effect, on April 9, 2011. Any use patterns not

covered by this proposed draft permit would need to obtain coverage under an individual permit or alternative general permit if they involve pesticide application that result in point source discharges to waters of the United States. This general permit will provide coverage for discharges where EPA is the NPDES permitting authority. For discharges in NPDES authorized states, state NPDES authorities will be issuing their permit. EPA estimates that the Sixth Circuit's ruling will affect approximately 365,000 pesticide applicators nationwide that perform 5.6 million pesticide applications annually.

EPA's PGP regulates discharges to waters of the U.S. from the application of (1) biological pesticides, and (2) chemical pesticides that leave a residue. The following pesticide use patterns are covered under the PGP: mosquito and other flying insect pest control, aquatic weed and algae control, aquatic nuisance animal control, and forest canopy pest control. The PGP does not authorize coverage for (1) discharges of pesticides or their degradates to waters already impaired by these specific pesticides or degradates or (2) discharges to outstanding national resource waters (also known as Tier 3 waters). These discharges will require coverage under individual NPDES permits. Also outside the scope of this permit are terrestrial applications to control pests on agricultural crops or forest floors.

Suzanne Shields stated that ADEQ is working on industrial general permits and holding stakeholder meetings.

The informal draft documents of ADEQ's new industrial stormwater general permit, to be known officially as the AZPDES Multi-Sector General Permit or MSGP 2010, are posted on the ADEQ website: <http://www.azdeq.gov/index.html>

MSGP 2010 Non-Mining Permit Documents

- *Draft Permit (Parts 1-7)*
- *Draft Permit (Part 8)*
- *Draft Appendices*
- *Draft Fact Sheet*
- *NRC Report*
- *Tetra Tech Report*
- ***MSGP 2010 Mining Permit Documents***
- *Draft Permit (Parts 1- 8)*
- *Draft Appendices*
- *Draft Fact Sheet*
- *Draft Mining Guidance*
- *PowerPoint Presentation Summaries*
- *Non-mining MSGP Meeting - June 28, 2010*
- *Mining MSGP Meeting - Tuesday, June 29, 2010*

The AZPDES MSGP 2010 contains eight parts and five appendices. Parts 1 through 7 describe the requirements that all operators must meet when seeking coverage under this permit. Part 8 describes the additional sector-specific requirements for industrial activities, sub-divided into 30 industry sectors. A permittee need only comply with the additional requirements of Part 8 that apply to the sector(s) of industrial activity for that facility. Please be advised, however, that these sector-specific requirements are in addition to the basic requirements of all facilities specified in Part 1 - 7 of this general permit.

All facilities in Arizona subject to ADEQ's MSGP 2010 will be required to apply or reapply when the permit is issued. MSGP 2000 permittees of record will be notified directly by US Mail when the new permit becomes effective. Other interested stakeholders (those who are not current permittees) should bookmark this web page and return to it often.

ADEQ appreciates the opportunity to continue to work with stakeholders in developing this latest of AZPDES General Permits. With the completion of the informal stakeholder process, the next major step will be the formal public participation process, which will include ADEQ's revisions to the MSGP 2010 based on the input from the informal stakeholder process. ADEQ anticipates the draft MSGP 2010 to be public noticed sometime during the summer of 2010. Watch for announcements and updates on this page, or ADEQ's main Web page ("What's New at ADEQ?").

Technical Policy 18 – Acceptable Model Parameterization for Determining Peak Discharges

Bill Zimmerman reviewed and requested comments from the committee on Technical Policy 18 (see attached). Note: Technical Policy 18 is **not** a regulation.

REPORT FROM FLOOD CONTROL DISTRICT STAFF

Suzanne Shields stated that the Board of Supervisors approved the District's 2010/11 budget. In addition, the Phase 2B of the Arroyo Chico project will begin soon; the Corps put the project out to bid.

Board of Supervisors Action Summary

June 1, 2010

- ✓ RESOLUTION NO. 2010 – FC 6, of the Pima County Flood Control District Board of Directors, adopting the Lee Moore Wash Basin Management Study. Motion carried to approve (5-0).
- ✓ Direct Select Award of Contract, Requisition No. 1001891 in an amount not to exceed \$227,833.00 to PSOMAS, (Headquarters: Los Angeles, CA) for engineering services on Phase 2 of the Pantano Wash Permanent Bank Stabilization Project: Speedway Boulevard to Tanque Verde Road. Funding Source: Flood Control District Tax Levy Fund Administering Department: Regional Flood Control District. Motion carried to approve (5-0)

CALL TO THE AUDIENCE

No business.

AGENDA ITEMS – OCTOBER 20, 2010 MEETING

1. 2010 Monsoon Season Overview

The meeting adjourned at 8:43 a.m.