

208 Plan Amendment Process for New Wastewater Treatment Facilities

Pima Association of Governments

The following packet includes the PAG 208 amendment process, a copy of ADEQ's 208 Amendment Checklist, and a copy of PAG's outline for 208 Plan amendments. These items are excerpted from the Pima Association of Governments Areawide Water Quality Management Plan (WQMP), which was adopted by the PAG Regional Council in March 2006. Footers on the pages indicated the relevant pages in the 208 WQMP.

10.11 Procedures for Amending the 208 Plan

The following is the process that must be followed for 208 Plan Amendments addressing the construction of new wastewater treatment facilities or expanding existing wastewater treatment facilities.

1. A party requesting a change to the 208 Plan must first contact first contact the Designated Management Agency (Pima County, Marana or Sahuarita) to obtain a letter indicating that the DMA declines to provide service to the area in question.
2. The party requesting a change to the 208 Plan contacts PAG member jurisdiction where the facility will be located and requests jurisdictional sponsorship of the project. Sponsorship does not mean support; it only indicates a willingness to investigate the possibility of such a project and a desire to place the item on the agenda for the monthly meeting of PAG's Regional Council.
3. The jurisdiction contacts PAG staff and asks that an item be placed on the Regional Council's monthly meeting agenda directing PAG staff to initiate the 208 Planning Process. The request may come from an elected official or a representative of the Manager's/Administrator's office. The item will be placed on the agenda for the Regional Council's monthly meeting.
4. The Regional Council directs staff to begin the 208 planning process.
5. The party requesting the amendment pays PAG a processing fee (\$3500 as of July 2005).
6. A "Scope of Work" Task Force is convened to determine the scope of work for the plan amendment report. The Scope of Work Task Force will consist of representatives of entities with a direct stake in the project, such as the Designated Management Agency, the jurisdiction in which the project will be located, and the water provider whose service area includes the project site. The task force could also include additional EPAC and Watershed Planning Subcommittee members wishing to serve on the task force.

7. A draft report is prepared by the party requesting the amendment; several copies are submitted to the Scope of Work Task Force for review.
8. The Scope of Work Task Force determines if the draft plan amendment report contains the necessary elements and adequately addresses any issues. If so, the report is submitted to the Watershed Planning Subcommittee of PAG's Environmental Planning Advisory Committee (EPAC).
9. The Water Quality Subcommittee of EPAC reviews the report and makes a recommendation to EPAC.
10. EPAC reviews the report and makes a recommendation to the Regional Council.
11. A public hearing is held (requires 45-day legal notice).
12. PAG's Management Committee reviews the proposal, EPAC's recommendation, and the results of the public hearing, and determines whether the proposal will be forwarded to the Regional Council. (The Management Committee usually meets once a month.)
13. PAG Regional Council action. (The Regional Council usually meets once a month, roughly two weeks after the Management Committee meets.)
14. Action at the statewide Water Quality Management Working Group in Phoenix (meets every other month).
15. ADEQ approval.
16. Governor's office approval.
17. EPA approval.

10.12. CONTENTS OF 208 PLAN AMENDMENTS

208 Plan Amendments must adhere to ADEQ's content requirements, which are documented in a checklist (Appendix C). In addition, PAG has created a standard outline, approved by the Regional Council on October 27, 1999, that should be followed by anyone preparing a 208 Plan Amendment for new private wastewater treatment plants (Appendix G).

APPENDIX C

ADEQ CHECKLIST FOR 208 PLAN AMENDMENTS

208 AMENDMENT CHECKLIST

Section 208 Clean Water Act

40 CFR Part 130.6

REQUIREMENT	PROVIDE BRIEF SUMMARY OF HOW REQUIREMENTS ARE ADDRESSED	ADDRESSED ON PAGE:
<p><u>AUTHORITY</u></p> <p>Proposed Designated Management Agency (DMA) shall self-certify that it has the authorities required by Section 208(c)(2) of the Clean Water Act to implement the plan for its proposed planning and service areas. Self-certification shall be in the form of a legal opinion by the DMA or entity attorney.</p>		
<p><u>20-YEAR NEEDS</u></p> <p>{Clearly describe the existing wastewater treatment (WWT) facilities:}</p> <p>Describe existing WWT facilities.</p>		
<p>Show WWT certified and service areas for private utilities and sanitary district boundaries if appropriate.</p>		
<p>{Clearly describe alternatives and the recommended WWT plan:}</p> <p>Provide POPTAC population estimates (or COG-approved estimates only where POPTAC not available) over 20-year period.</p>		
<p>Provide wastewater flow estimates over the 20-year planning period.</p>		

Illustrate the WWT planning and service areas.		
Describe the type and capacity of the recommended WWT Plant.		
Identify water quality problems, consider alternative control measures, and recommend solution for implementation.		
If private WWT utilities with certificated areas are within the proposed regional service area, define who (municipal or private utility) serves what area and when. Identify whose sewer lines can be approved in what areas and when?		
Describe method of effluent disposal and reuse sites (if appropriate).		
If Sanitary Districts are within a proposed planning or service area, describe who serves the Sanitary Districts and when.		
Describe ownership of land proposed for plant sites and reuse areas.		
Address time frames in the development of the treatment works.		
Address financial constraints in the development of the treatment works.		

Describe how discharges will comply with EPA municipal and industrial stormwater discharge regulations (Section 405, CWA).		
Describe how open areas & recreational opportunities will result from improved water quality and how those will be used.		
Describe potential use of lands associated with treatment works and increased access to water-based recreation, if applicable.		
<u>REGULATIONS</u> Describe types of permits needed, including NPDES, APP and reuse.		
Describe restrictions on NPDES permits, if needed, for discharge and sludge disposal.		
Provide documentation of communication with ADEQ Permitting Section 30 to 60 days prior to public hearing regarding the need for specific permits.		
Describe pretreatment requirements and method of adherence to requirements (Section 208 (b)(2)(D), CWA).		
Identify, if appropriate, specific pollutants that will be produced from excavations and procedures that will protect ground and surface water quality (Section 208(b)(2)(K) and Section 304, CWA).		
Describe alternatives and recommendation in the disposition of sludge generated. (Section 405 CWA)		
Define any nonpoint issues related to the proposed facility and outline		

procedures to control them.		
Describe process to handle all mining runoff, orphan sites and underground pollutants, if applicable.		
If mining related, define where collection of pollutants has occurred, and what procedures are going to be initiated to contain contaminated areas.		
If mining related, define what specialized procedures will be initiated for orphan sites, if applicable.		
<u>CONSTRUCTION</u> Define construction priorities and time schedules for initiation and completion.		
Identify agencies who will construct, operate and maintain the facilities and otherwise carry out the plan.		
Identify construction activity-related sources of pollution and set forth procedures and methods to control, to the extent feasible, such sources.		
<u>FINANCING AND OTHER MEASURES NECESSARY TO CARRY OUT THE PLAN</u> If plan proposes to take over certificated private utility, describe how, when and financing will be managed.		
Describe any significant measure necessary to carry out the plan, e.g., institutional, financial, economic, etc.		

Describe proposed method(s) of community financing.		
Provide financial information to assure DMA has financial capability to operate and maintain wastewater system over its useful life.		
Provide a time line outlining period of time necessary for carrying out plan implementation.		
Provide financial information indicating the method and measures necessary to achieve project financing. (Section 201 CWA or Section 604 may apply.)		
<u>IMPLEMENTABILITY</u>		
Describe impacts and implementability of Plan: Describe impacts on existing wastewater (WW) facilities, e.g., Sanitary district, infrastructure/facilities and certificated areas.		
Describe how and when existing package plants will be connected to a regional system.		
Describe the impact on communities and businesses affected by the plan.		
If a municipal wastewater (WWT) system is proposed, describe how WWT service will be provided until the municipal system is completed: i.e., will package plants and septic systems be allowed and under what circumstances. (Interim services).		

<p><u>PUBLIC PARTICIPATION</u></p> <p>Submit copy of mailing list used to notify the public of the public hearing on the 208 amendment. (40 CFR, Chapter 1, Part 25.5)</p>		
<p>List location where documents are available for review at least 30 days before public hearing.</p>		
<p>Submit copy of the public notice of the public hearing as well as an official affidavit of publication from the area newspaper. Clearly show the announcement appeared in the newspaper at least 45 days before the hearing.</p>		
<p>Submit affidavit of publication for official newspaper publication.</p>		
<p>Submit responsiveness summary for public hearing.</p>		

APPENDIX G

PAG OUTLINE FOR 208 PLAN AMENDMENTS

208 PLAN AMENDMENT OUTLINE FOR NEW PRIVATE WASTEWATER TREATMENT PLANTS

The purposes of this outline are to (1) provide guidance to anyone preparing a 208 Plan Amendment and (2) to assist those reviewing the proposed amendment in determining whether all requirements have been met. By following this outline, the author should meet all of PAG's and ADEQ's requirements for a 208 Plan Amendment. ADEQ's checklist, which is provided in Appendix C of this report, must be filled out and submitted to ADEQ during the 208 process. However, following PAG's outline should make it easy for the applicant to complete the state's check list. In addition to the 208 requirements, applicants must be in compliance with local ordinances as developed under Municipal AZPDES permits in order to be consistent with the 208. This proposed outline is similar to the existing outline in PAG's 1990 Guide to Areawide Water Quality Management Planning as Required under Section 208 of the Clean Water Act. It includes criteria in ADEQ's 208 Amendment Checklist and requirements set forth in the 1985 PAG/Pima County Wastewater Areawide Wastewater Management Plan Point Source Update.

Items marked with an * are items required by ADEQ, as identified in the Continuing Planning Process checklist. Items marked with ** are based on requirements in the 1985 PAG/Pima County Wastewater Areawide Wastewater Management Plan Point Source Update.

Executive Summary
Introduction
Purpose of amendment Brief description of study area location, with reference to map Rationale for amending plan (e.g., unavailable infrastructure, population growth)
Natural setting
Groundwater and surface water hydrology Depth to groundwater Groundwater flow direction Areas of natural or artificial groundwater recharge Major washes, rivers and floodplains
Groundwater quality Surface water quality (if relevant) Significant geologic or topographic constraints (if any) Proximity to existing aquatic or riparian habitats Proximity to habitat of threatened, endangered, or candidate species
Current Conditions
Population, including significant seasonal trends Land use Description and status of existing local and regional wastewater treatment facilities (if any)*
brief legal description and proximity; access service areas and sanitary district boundaries* treatment method capacity current wastewater flows compliance status
Planned expansions and improvements
local and regional wastewater conveyance system wastewater treatment facilities
Existing water quality problems (if any)*

Future Conditions
Population
POPTAC- or PAG-approved population projections for 20-year period* Proposed development within study area
Wastewater Flows
Estimates of future wastewater flows for 20-year period*
Types of wastewater flows
commercial/industrial residential septic
Potential problems prompting the need for a new facility
(e.g., lack of capacity, wastewater quality problems*, public health and safety, odors or insects, and/or regulatory compliance)
General Description and Evaluation of Alternatives for Conveyance and Treatment*
Conveyance/Location Alternatives
Feasibility Cost Environmental impacts Effluent reuse potential
Treatment method alternatives
Effluent quality and reuse potential System reliability Cost
No Action alternative

Detailed Description of Recommended Alternative*
Site Location Site size / acreage available for treatment plant Land ownership* / easement requirements System ownership / responsibility * Permits needed and restrictions specified by any existing permits* Measures to ensure public health and safety (e.g., fencing) Brief description of conveyance lines Capacity, including phases* Design life (must be a minimum of 25** years) Plan for wastewater service to neighboring areas, including flow-through conveyance
capacity and easements**
Proposed treatment process*
Effluent quality Effluent disposal* Effluent reuse potential and plans for effluent reuse (including ownership of reuse sites and ownership of effluent and re-distribution system)*
Sludge disposal*
description of alternatives* recommended alternative*
Time line for developing treatment works*
Description of how discharges will comply with EPA municipal and industrial stormwater discharge regulations*
Non-point sources of pollution related to the proposed facility and procedures to control them*
Any significant measures necessary to carry out plan (e.g., institutional, financial, economic, etc.)*
Plans for turnover of facilities to the DMA (if applicable)**

<p>Impacts of proposed facility*</p> <p>Impacts on existing wastewater facilities or regional wastewater plans*</p> <p>Impacts on surface water and groundwater quality</p> <p>Impacts on existing institutional arrangements (including Intergovernmental Agreements**)</p> <p>Impacts on communities and businesses affected by the plan*</p> <p>Location relative to 100-year flood plain and areas subject to erosion hazard, and procedures used to prevent flood or erosion damage**</p> <p>Impacts on surrounding land uses (e.g. wellfields, recreational facilities, residential areas, artificial recharge sites, potential pollution sources)</p> <p>Impacts on potentially sensitive features, including cultural sites, riparian areas, designated Unique Waters, etc.</p> <p>Designated use of receiving surface water body (if applicable)</p> <p>Description of how recreational opportunities will result from improved water quality (if applicable)*</p> <p>Potential use of lands associated with treatment works and increased access to water-based recreation (if applicable)*</p> <p>Potential for odors</p> <p>Potential for insect problems</p>
<p>Financing*</p> <p>Financial constraints, if any *</p> <p>Cost of implementing Plan Amendment, including capital costs and operation and maintenance costs</p> <p>Financial impact on public** (including estimated O&M costs and sewer fees)</p> <p>Method of financing*</p> <p>Financial information demonstrating that the DMA or owner/operator has the financial capability to operate and maintain the wastewater system over its useful life*</p> <p>Impacts on Public Bonds, Debts, Debt Retirement</p> <p>Provision for bond indemnification in the event that the proposed plant does not operate as anticipated, or the developer no longer assumes responsibility for the project</p>
<p>Construction*</p> <p>Construction priorities*</p> <p>Party responsible for construction*</p> <p>Phases</p> <p>Time line*</p> <p>Description of how wastewater service will be provided until proposed system is complete (if applicable)</p> <p>Description of how and when existing wastewater facilities will be connected (if applicable)</p> <p>Potential for specific pollutants to be produced during construction or excavation*</p> <p>Procedures or methods for controlling construction-activity related sources of pollution*</p>

Description of proposed pretreatment program*
Pretreatment requirements Method of enforcement Demonstration of authority
Conclusion
Discussion of why the proposed alternative is the most desirable option for both the short term and long term** Summary of positive and negative impacts of the proposal
Study Area Map(s) showing:
Boundaries of proposed and existing service areas* Boundaries of designated management areas and planning areas (if relevant)* Location of treatment facility Conveyance lines Location(s) of nearby, existing or proposed treatment and major conveyance facilities Areas relying on septic systems within or adjacent to service area Locations of potentially-impacted land uses(e.g. wellfields, recreational facilities, residential areas, artificial recharge sites, potential pollution sources) Locations of existing and potential reuse sites* Locations of potentially sensitive features (including cultural sites, riparian areas, designated f, etc.) Locations of 100-year flood plains** Washes and rivers
Appendices
Self Certification Information for DMAs (if relevant)* Letter from DMA indicating that DMA declines to serve Assurances (bonds, letters of credit, or similar device) that the facility will be built, operated, maintained and repaired for its design life Plans for service beyond facility design life Public participation (prepared by PAG) ADEQ checklist