ADWR Management Plans Team,

The City of Peoria would like to formally thank ADWR staff for its efforts to engage the stakeholder community and collect feedback on Phoenix AMA Fifth Management Plan ("5MP") proposals. In particular, Peoria recognizes and appreciates ADWR's willingness to hear stakeholder concerns and modify its proposals.

While Peoria believes the 5MP draft to be a step forward in nearly all areas proposed for modification, one proposed change causes the City notable concern. This electronic communication summarizes Peoria's comments related to the proposed "Storage and Recovery Siting Criteria," specifically with respect to issues related to shallow groundwater. Peoria's concerns closely mirror those expressed by the Arizona Municipal Water Users Association ("AMWUA") in its letter to ADWR dated March 17, 2022. In addition to those concerns, Peoria would like to emphasize a few additional points.

Peoria recognizes the good intent of the proposal as well as recent revisions outlining ADWR's enforcement criteria that provide ADWR latitude to exclude areas that may unintentionally fall under this proposal. Unfortunately, it is this latitude that causes Peoria concern as ADWR's Director, staffing, and priorities are subject to change over time. Recharge and recovery infrastructure are multi-decadal, multi-million dollar relatively fixed investments. In Peoria's estimation, the potential benefits of this proposal are far outweighed by the risk of regulatory action this proposal places on the regulated community and its investments.

Adding to Peoria's concerns are that the regulatory language related to shallow groundwater rely on three fundamental inputs the regulated community has expressed interest in revising (see ADWR's recent formation of a Recharge & Recovery Workgroup): (1) definition of shallow groundwater; (2) Underground Storage Facility one-mile recovery area of impact; (3) Recharge facility modeled maximum area of impact. Peoria does not believe it is in the best interests of the state to formalize additional regulatory language built on a foundation of existing policies that ADWR and the regulated community are actively interested in changing. Further, Peoria does not think ADWR has not produced sufficient analysis or visualizations to communicate what the result of this newly implemented policy would look like i.e., collateral damage is a guess at this point.

Peoria supports ADWR's efforts to make incremental improvements within its statutory limitations. In this particular case, the City strongly believes this proposal to be ahead of its time and asks that ADWR and the Groundwater Users Advisor Council not include it in the final 5MP.

Thank you for your time and consideration of Peoria's comments. Please feel free to reach out if we can help illustrate our concerns further and contribute to a solution that achieves ADWR's goals within the limitations of the regulated community.

Sincerely,

Brett Fleck

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