February 28, 2022

Arizona Department of Water Resources
1110 W Washington St., Suite 310
Phoenix, Arizona 85007

Re: 5th Management Plan for the Phoenix AMA, Proposed Recharge & Recovery Siting Criteria

ADWR Management Plans Team,

The Town of Gilbert is submitting additional comments regarding ADWR’s proposed regulatory language in Section 3-801(B)(1)(a) Recharge and Recovery siting criteria in the Phoenix AMA 5th Management Plan. Gilbert previously submitted a letter on November 12th regarding this policy asking for further refinement and clarity due to the potential unintended consequences of the then proposed language. Since that time there has been some adjustment to the language, however these changes have elevated the concern regarding the potential impacts of this policy.

We appreciate the Department’s intent to implement language from prior management plans. However, the current draft 5MP language will likely have far reaching impacts on existing beneficial water management practices throughout the Phoenix AMA given the current Maximum AOI calculations for USFs. The Maximum AOI calculation will likely cause many of the existing USFs within the AMA to influence areas experiencing shallow groundwater as defined in the proposed language. The decision to eliminate the condition of shallow groundwater areas “experiencing problems” along with the 50-ft below land surface definition seems arbitrary and does not provide enough detail as to the purpose of this policy.

Gilbert anticipates that the restriction of recovery to the AOI will drastically impact our current water management practices. Gilbert has made significant investments in Underground Storage Facilities within our service area – our Riparian Preserve and South Recharge Sites being our predominant sites. These investments have been made to recharge where we pump and therefore address hydrologic disconnect. These facilities have become hubs within the community for recreation and wildlife habitat. The draft language could disincentivize the use of these existing resources or require us to strand future credits in these facilities in order to keep them as key landmarks within the community.
As a specific example, in 2017 Gilbert increased its underground storage permit at its Riparian Preserve from 4MGD to 8MGD. The maximum AOI with a one-foot rise for a <9,000af/yr storage facility covered the entire East Salt River Sub-basin (see attached figure from Gilbert’s 2016 application). Under the proposed policy, if any area within the East Salt River Sub-basin was considered to be experiencing “shallow groundwater” then one of the oldest reclaimed water recharge sites in the Phoenix AMA would no longer be feasible. This does not appear to be strengthening groundwater management. Clearly, even a small recharge facility would be absorbed into this policy and limited in its ability to be an effective investment for a utility.

In addition to recharge operations, Gilbert has been able to expand the use of our reclaimed water and reduce dependence on mined groundwater through the mechanism of recharge and recovery. The draft 5MP language could restrict our ability to recover the reclaimed water and deliver it to customers who have come to rely on that supply. This proposed policy has a cooling effect on recharge and recovery, likely disincentivizing the practice or causing it to end completely.

Gilbert greatly appreciates the efforts ADWR has made throughout the 5th Management Plan process to implement regulations that enhance groundwater management within the AMAs. The groundwater management benefits of the proposed language in Section 3-801(B)(l)(a) Recharge and Recovery siting criteria has not been adequately demonstrated and therefore we respectfully ask that the Department remove the new language.

We appreciate the opportunity to comment and remain willing to continue the discussion.

Respectfully,

Eric Braun
Assistant Public Works Director