

From: Earl Pabst [<mailto:Earl@govconsultants.com>]
Sent: Wednesday, March 21, 2012 11:17 AM
To: Groner, Larry
Cc: Mefrakis, Refaat
Subject: RE: Recap of the March 7, 2012 Affordability Stakeholder Meeting

Good morning Larry.

My comments and observations follow. They are more broader as compared to some of the other discussions but I think they must be considered as you go forward with the guidance:

1. I think this guidance will ultimately need to be in a rule.
2. I mentioned this at the meeting, but this process adds an additional layer of review for the program/regions. How will this potentially impact the statutory deadline to issue permits which was included in HB 89 last year?
3. At what point in the permit process would the affordability review start? From the discussions and recommendations at our first meeting if implemented, would seem to add additional time to a process which could already be quite lengthy.
4. Maybe I missed it, but are there any provisions for assessing the water quality impacts on the receiving stream for failure to make necessary improvements, stricter limits, etc.?
5. Can a decision on affordability be appealed to the Commission? Another reason why it should ultimately be in rule. There are always going to be challenges on the program's decisions on affordability.
6. What have other states done to address affordability?
7. Someone mentioned at the meeting, I think it may have been Aimee Davenport, regarding consideration of new technology. This issue has been around for a long time. The department has always been supportive. In fact Doyle Childers got a statutory provision to allow new technology. One of the key issues has always been using public monies (e.g., SRF and grants) for a new technology that fails. I think something to keep in mind on this issue.

Thanks
Earl