



**State of Arizona**  
**BOARD OF TECHNICAL REGISTRATION**  
1110 W. Washington Street, Suite 240, Phoenix, Arizona 85007  
(602) 364-4930 FAX: (602) 364-4931 <https://btr.az.gov/>

Edward Marley, Chairman/Architect • LeRoy Brady, Landscape Architect • Doug Bartlett, Geologist  
Robert Stanley, Engineer (Civil & Structural) • Dr. Alejandro Angel, Engineer (Civil)  
Michael Fondren, Land Surveyor • Peter Leeds, Home Inspector

**MINUTES FOR**  
**LEGISLATION AND RULES COMMITTEE REGULAR SESSION**  
1110 W. Washington Street, Suite 240, Phoenix, Arizona 85007  
**Monday, September 20, 2021 –1:00 P.M.**

**1. CALL TO ORDER – 1:01pm**

**2. ROLL CALL & INTRODUCTIONS**

**Committee Members Present**

LeRoy Brady  
Doug Bartlett

**Committee Members Participating Telephonically**

Michael Fondren  
Robert Stanley  
Edward Marley  
Peter Leeds  
Dr. Alejandro Angel

**Assistant Attorney General Participating Telephonically**

Deanie Reh, AAG

**Board Staff Present**

Judith Stapley – Executive Director  
Heather Broaddus – Deputy Director  
Kurt Winter – Assistant Director  
Douglas Parlin – Enforcement Manager

**3. CALL TO THE PUBLIC**

Members of the public may address the Committee during this Call to the Public for no more than **3 minutes**. Pursuant to A.R.S. § 38-431.01(H), the Committee members are not allowed to discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action. However, members may ask staff to review a matter or may ask that a matter be placed on a future agenda.

No one appeared before the Committee.

#### 4. ADOPTION OF MINUTES

Review, Consideration and Possible Action of the following:

- A. Approve, modify and/or reject the November 10, 2020, L&R Committee minutes.

Mr. Fondren made a motion, seconded by Mr. Leeds, to approve the November 10, 2020, minutes as drafted. The motion carried unanimously, 7-0.

#### 5. REVIEW, DISCUSSION AND POSSIBLE ACTION ON THE FOLLOWING:

- A. ADEQ's Questions submitted to the Board and Public Comment regarding the questions, and, discussion and possibly draft a substantive policy statement, rule change or statutory change for recommendation to the Board.
1. Under A.R.S. § 32-101(11), is designing onsite wastewater treatment facilities "engineering practice" given that the purpose of regulating onsite facilities is intended to protect groundwater and surface water for the public health, safety, and welfare?
  2. Under the exemption in A.R.S. § 32-144(A) (6), does an onsite wastewater treatment facility qualify as a "wastewater treatment plant"?
  3. Ask the following question (i) if under A.R.S. § 32-144(A)(6), ASBTR interprets onsite wastewater treatment facilities to qualify as "wastewater treatment plant[s]":
    - i. In determining whether the A.R.S. § 32-144(A)(6) exemption applies, should the cost of an extension, addition, modification, or revision to a WWTP stand alone as the "total cost of such construction" OR should the original cost of the WWTP be included in addition to the subsequent action?
      1. For example, can a \$10K modification to a \$100K WWTP be designed by a nonregistrant?
  4. Is the scope of the language "a detached single family dwelling" in A.R.S. § 32-144(A) (3) (a) broad enough to include design of an onsite wastewater treatment facility OR is it confined to the designing of, altering of or adding to the dwelling?

Dr. Angel provided a summary of the Arizona Department of Environmental Quality's (ADEQ) questions. ADEQ is promulgating rules and would like the Board to clarify/provide definitions of Board statute outlined in their questions. John Rezabek with ADEQ was present telephonically, requested to speak and made a statement. Mr. Rezabek confirmed that ADEQ is going through the rule making process. Mr. Rezabek stated that while drafting rules ADEQ would like clarity on Board statute in order for ADEQ to establish guidelines that are succinct with Board statute. Heidi Welborn and Suzanne Ehrlich with ADEQ were present telephonically, requested to speak and made a statement. A member of the public, Joelle Wirth was present telephonically, requested to speak and made a statement. Ms. Wirth indicated that there has been no issue in interpreting Board statute in her position with the County. Committee members discussed the difference between a "plant" and a "facility". Committee members agreed that single family dwellings are exempt. Committee members discussed the definition of engineering that will become effective September 30, 2021. Committee members discussed A.R.S. §32-144(A) (6). It was the consensus of the Committee to take no action on this item.

- B. Public Comments submitted to the Board suggesting an update of the Board's Substantive Policy #1 and, possibly draft an update of Substantive Policy #1 for recommendation to the Board.

Dan Demland was present, requested to speak and made a statement. Mr. Demland summarized his suggest changes to Substantive Policy Statement #1. Committee members discussed Mr. Demland's proposed changed. After deliberation, it was the consensus of the Committee to take no action on this item.

- C. Question from the public: We [Ranger Engineering Consulting] are looking for your [AZBTR] current policy on the creation of GPS machine control models, and whether or not your state [Arizona] has similar policies to North Carolina that establish this work as engineering or surveying work, thereby subject to your state's laws on engineering and surveying services.

Ben Chrysler with Ranger Engineering Consulting was present telephonically, requested to speak, made a statement and answered Committee members' questions. Mr. Chrysler explained that Ranger Engineering Consulting takes the work of an engineer or a land surveyor and uses computer software to find mistakes in the work. Mr. Chrysler explained that once the mistakes are corrected the work is given to the contractor with the recommendation that the work be reviewed by the engineer or land surveyor. Mr. Chrysler asked the Board whether this type of work has to be done by a registrant. The Board deliberated and determined that using computer software to find mistakes does not require a registrant as long as the end product is signed off by a registrant. The Board took no action on this item.

- D. Discuss public concern that the services cottagemaps.com offers may be the practice of land surveying

The Board noted that cottagemaps.com has temporarily suspended providing services. The Board noted that cottagemaps.com website is not currently active. The Board took no action on this item.

## **6. FUTURE AGENDA ITEMS**

There were no items for future meetings

## **7. FUTURE MEETINGS**

No future meetings were scheduled at this time.

**8. ADJOURNMENT**

Mr. Leeds made a motion, seconded by Mr. Brady, to adjourn the meeting at 3:00 p.m. The motion carried unanimously, 7-0

Signed this 2<sup>nd</sup> day, September 2022

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Edward Marley, Chairperson

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Judith Stapley, Executive Director