

NOTICE OF PROPOSED RULEMAKING
TITLE 18. ENVIRONMENTAL QUALITY
CHAPTER 9. DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER POLLUTION CONTROL

PREAMBLE

1. Permission to proceed with this proposed rulemaking was granted under A.R.S. § 41-1039 by the governor on:

August 24, 2022, &

February 5, 2024

2. Article, Part, or Section Affected (as applicable)

Rulemaking Action

R18-9-101

Amend

R18-9-A215

New Section

3. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):

Authorizing statute: A.R.S. §§ 49-104 (B)(13), 49-203(A)(5), (A)(8), (A)(10), 49-221, 49-223, 49-224

Implementing statutes: A.R.S. §§ 49-221, 49-223

4. Citations to all related notices published in the Register that pertain to the current record of the proposed rule:

Notice of Rulemaking Docket Opening: 30 A.A.R. 2136, Issue Date: June 28, 2024, Issue Number: 26, File Number: R24-114.

5. The agency's contact person who can answer questions about the rulemaking:

Name: Jon Rezabek

Title: Legal Specialist

Division: Water Quality

Address: Arizona Department of Environmental Quality

1110 W. Washington Ave.

Phoenix, AZ 85007

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Website: <https://www.azdeq.gov/awqs-update-active-rulemaking>

6. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

General Explanation of this Rulemaking: The Arizona Department of Environmental Quality (ADEQ) is required under A.R.S. § 49-223(A) to open a rulemaking docket for the adoption of federal drinking water maximum contaminant levels (MCLs) as state

aquifer water quality standards (AWQs) within one year of the Environmental Protection Agency's (EPA's) establishment of new or adjusted MCLs. MCLs for Arsenic, Bromate, Chlorite, Haloacetic Acids, Microbiological Contaminants, Total Trihalomethanes and Uranium are either unestablished as AWQs or are established but currently have a misaligned value as the standard. In the associated *Notice of Proposed Rulemaking* (NPRM) for Title 18, Chapter 11, Article 4, ADEQ proposes to adopt the MCLs for the above listed contaminants or, in one case, an alternative MCL (Microbiological Contaminants). Please see the above-mentioned NPRM for details.

Neither the AWQS statute at A.R.S. § 49-223, nor the rules that make up the Aquifer Protection Program (APP) speak to how ADEQ should implement new or adjusted AWQs once the APP program is established. As of the writing of this NPRM, the APP has close to 500 individual permits, a majority of which have requirements for discharge and / or groundwater monitoring based on the AWQs. In order to determine whether an amendment to an APP permit to effectuate the new or adjusted AWQs is necessary (in accordance with A.R.S. § 49-243(B)) and to properly and orderly implement such a process, ADEQ proposes with this NPRM a new rule in Title 18, Chapter 9, Article 2 (Aquifer Protection Permits - Individual Permits) and a few new or adjusted associated definitions in Title 18, Chapter 9, Article 1 (Aquifer Protection Permits - General Provisions).

What are Aquifer Water Quality Standards and what is their purpose? Aquifer Water Quality Standards or "AWQs" are protective groundwater standards that were put in place and designated by the Arizona Legislature to preserve Arizona's aquifer quality for drinking water-protected use (see A.R.S. § 49-224(B)).

How are Aquifer Water Quality Standards Used? The AWQs are used in ADEQ's Aquifer Protection Program (APP), remediation projects under the Water Quality Assurance Revolving Fund (WQARF), the Voluntary Remediation Program (VRP), and elsewhere.

How does the proposed new or adjusted AWQS implementation rule work?

Subsection A: Subsection (A) of the proposed rule at R18-9-A215 requires the ADEQ Director to develop a schedule to amend Individual APP permits that were issued before a new or adjusted AWQs' effective date.

Subsection B: Subsection (B) requires the APP permittee to submit an administratively complete application to amend their permit to reflect new or adjusted AWQS pursuant to the schedule specified in Subsection A. It further specifies that an administratively complete application shall be submitted to the Department no later than four years after a new or adjusted AWQS effective date. Also, a waiver of the application submission is made available to permittees that can demonstrate that a pollutant with a new or adjusted AWQS is not likely to be in their discharge pursuant to Subsection (E) and A.R.S. § 49-223(G).

Subsection C: Subsection (C) requires permittees with active discharge, groundwater point of compliance and/or other monitoring locations specified in the permit that are subject to limits based on AWQs to begin Baseline Discharge and/or Groundwater Monitoring for all new or adjusted AWQs within three months of the effective date of a new or adjusted AWQS unless a demonstration is approved by the Department pursuant to Subsection (E) and A.R.S. § 49-223(G). Subsection (C)(1) specifies the requirements for the Baseline Monitoring required in Subsection (C). Subsection (C)(2) details the requirements

of the Baseline Monitoring Report, to be submitted to the Department at the conclusion of the Baseline Monitoring Period.

Subsection D: Subsection (D) requires the Department to review the Baseline Monitoring Report and determine whether new or adjusted Alert Levels, Discharge Limits and/or AQLs are required for each new or adjusted AWQS in accordance with A.A.C. R18-9-A205. It also allows the Department to incorporate levels and/or limits, if necessary, into the applicable existing Individual APP through an amendment pursuant to Subsection (A).

Subsection E: Subsection (E) details the right of a permittee to remove a pollutant with an AWQS from the scope of Baseline Discharge and/or Groundwater Monitoring upon a successful demonstration that the pollutant is not likely to be present in a facility's discharge. See A.R.S. § 49-223(G).

Subsection F: Subsection (F) allows the Department to require permittees without monitoring requirements to reasonably characterize their discharge and/or groundwater quality in relation to pollutants with new or adjusted AWQSs within a reasonable amount of time. Also, a waiver of this requirement is made available to permittees that can demonstrate that a pollutant with a new or adjusted AWQS is not likely to be in their discharge pursuant to Subsection (E) and A.R.S. § 49-223(G).

Who are the stakeholders in this rulemaking? The stakeholders for this rulemaking include permittees of the APP, remediation projects under the Water Quality Assurance Revolving Fund (WQARF), the Voluntary Remediation Program (VRP), private well owners, community water systems and the constituents they serve, as well as all Arizonans who benefit from the state's aquifers being protected for drinking water use.

What has been the stakeholder process thus far for this rulemaking? ADEQ has conducted a number of stakeholder meetings, as well as tribal listening sessions, concerning this rulemaking. The dates of those events are as follows: 9/29/22, 6/8/23, 9/11/23, 12/12/23, 12/13/23, 4/29/24, 8/8/24 and others. In particular, the Department met with representatives of the Arizona Mining Association and the Arizona Chamber of Commerce and Industry over the implementation rule language which is the subject of this rulemaking. After a collaborative effort, ADEQ is confident that the requirements of the proposed implementation rule put the least amount of burden on stakeholders that is necessary to achieve the goal of proper and orderly implementation of new or adjusted AWQSs. A repository of stakeholder materials can be found on ADEQ's website here: <https://www.azdeq.gov/rulemaking/awqs-update/resources>.

7. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

Not applicable

8. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. The preliminary summary of the economic, small business, and consumer impact:

Opening a rulemaking docket and pursuing the adoption of new or adjusted MCLs as AWQSs is a mandate the Arizona State Legislature has enshrined in statute for ADEQ to execute (*see* A.R.S. § 49-223). A proper, orderly, efficient and least burdensome implementation of new or adjusted AWQSs into the APP was the design goal of the rules and amendments proposed in this rulemaking. The proposed implementation rule requires individual APP permit holders to conduct “baseline monitoring” in order to gather the data necessary to determine where to set (or if to set) Discharge or Aquifer Quality Limits (through an amendment) in the respective permit. The proposed baseline monitoring requires stakeholders to conduct sampling by qualified employees as well as laboratory analysis of the samples and the compiling of a baseline monitoring report, in most cases. Preliminary estimates on the cost of baseline monitoring based on an eight quarter time period at one sampling location for all seven (7) of the new or adjusted AWQSs that are being established in the associated NPRMs is around \$15,000 when conducted by a facility’s employee and around \$30,000 if hiring a 3rd party consultant. This estimate takes into account laboratory analysis, monitoring equipment, labor and other miscellaneous costs. These estimated costs have been considered by ADEQ and the Department remains confident that the requirements of the proposed implementation rule puts the least amount of burden on stakeholders that is necessary to achieve the goal of proper and orderly implementation of new or adjusted AWQSs. In 2024, ADEQ worked closely with stakeholders through a series of meetings and events to hear and then address concerns with the proposed language, as well as to balance and fine tune the implementation rule and its requirements.

An identification of the proposed rulemaking can be found in Heading No. 6 above, along with a general explanation. The conduct and frequency of occurrence that the rule is designed to change is how existing APP permittees and ADEQ will proceed through an implementation process of new or adjusted AWQSs when adopted. The harm resulting from the current state of implementing new or adjusted AWQSs is that there is no formal AWQS implementation guidance in statute, nor rule for ADEQ, or permittees to follow. This rule will bring some clarity to the requirements of permittees and the Department when new or adjusted standards are adopted. ADEQ expects more new or adjusted MCLs to be adopted as AWQSs in the future.

The stakeholder group to face the most significant burden by this rulemaking is the APP permittees. They can expect to see cost increases primarily related to technology adapted or required in coming into compliance with the new AWQSs, as well as Departmental fees associated with meeting the higher standards.

A preliminary summary of the economic, small business, and consumer impact of the seven (7) MCLs to be adopted as AWQSs can be found in a contemporaneous *Notice of Proposed Rulemaking* filing on Title 18, Chapter 11, Article 4 of the *Arizona Administrative Code* in the *Arizona Administrative Register*. As is stated in the No. 6 heading above, this filing is limited to Title 18, Chapter 9, Articles 1 and 2, concerning the implementation of adopted AWQSs into the existing Individual APP permits.

10. The agency’s contact person who can answer questions about the economic, small business and consumer impact statement:

Name: Jon Rezabek
Title: Legal Specialist

Division: Water Quality
Address: Arizona Department of Environmental Quality
1110 W. Washington Ave.
Phoenix, AZ 85007
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Email: awqs@azdeq.gov
Website: <https://www.azdeq.gov/awqs-update-active-rulemaking>

11. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

The public comment period for this rulemaking will take place between November 15th, 2024 and December 16th, 2024. The public comment period will close on December 16th, 2024. Please submit comments on the rule in this *Notice of Proposed Rulemaking* (NPRM) at any time during the public comment period via the AWQS comment portal found at <https://www.azdeq.gov/awqs-update-active-rulemaking>. Comments may also be submitted via email at awqs@azdeq.gov or via mail at the following physical address:

ADEQ
Attn: Ophelia Begay
Cube 6190C
Groundwater Section
Water Quality Division
1110 W. Washington St.
Phoenix, AZ 85007

ADEQ will be holding a public hearing for the purpose of taking oral comments on the record. All interested parties may attend. The public hearing will be held virtually. The access information is below:

Date: December 16th, 2024
Time: TBD Time
Location: GoToWebinar hosted by Arizona Department of Environmental Quality at:

<https://attendee.gotowebinar.com/register/473262133213561692>

You may also call in and listen to the meeting using your phone, but please note that phone-only access does NOT provide the option for the participant to speak.

PHONE: (562) 247-8422

Access Code: 705-628-496

Listen only; no ability to comment

Nature: Public hearing on the proposed rules.

ADEQ will take reasonable measures to provide access to department services to individuals with limited ability to speak, write or understand English and to those with disabilities. Requests for language translation, ASL interpretation, CART captioning services or disability accommodations must be made at least 48 hours in advance by contacting the Title VI Nondiscrimination Coordinator, Leonard Drago, at 602-771-2288 or Drago.Leonard@azdeq.gov. For a TTY or other device, Telecommunications Relay Services are available by calling 711.

12. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

There are no other matters prescribed by statute applicable specifically to ADEQ or this specific rulemaking.

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

This rulemaking does not create a requirement for a permit.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

Federal law is not applicable to the subject matter of the rule.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

N/A

13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

N/A.

14. The full text of the rules follows:

Rule text begins on the next page.

TITLE 18. DEPARTMENT OF ENVIRONMENTAL QUALITY

CHAPTER 9. DEPARTMENT OF ENVIRONMENTAL QUALITY

WATER POLLUTION CONTROL

ARTICLE 1. AQUIFER PROTECTION PERMITS - GENERAL PROVISIONS

Section

R18-9-101. Definitions

ARTICLE 2. AQUIFER PROTECTION PERMITS - INDIVIDUAL PERMITS

Section

R18-9-A215. New or Adjusted Aquifer Water Quality Standards

ARTICLE 1. AQUIFER PROTECTION PERMITS - GENERAL PROVISIONS

Section

R18-9-101. Definitions

1. "Aggregate" No Change
2. "Alert level" No Change
3. "AQL" means an aquifer quality limit and is a permit limitation set for aquifer water quality measured at the point of compliance that either represents an Aquifer Water Quality Standard or, if an Aquifer Water Quality Standard for a pollutant is exceeded in an aquifer at the time of permit issuance or amendment to incorporate a new or adjusted aquifer water quality standard, represents the ambient or baseline water quality for that pollutant.
4. "Aquifer Protection Permit" or "APP" or "APPs" means an individual or general permit ~~or a general permits~~ issued under A.R.S. §§ 49-203, 49-241 through 49-252, and Articles 1, 2, and 3 of this Chapter.
5. "Aquifer Water Quality Standard" or "AWQS" or "AWQSS" means a standard or standards established under A.R.S. §§ 49-221 and 49-223.
6. "AZPDES" No Change
7. "BADCT" No Change
8. "Bedroom" No Change
9. "Book net worth" No Change

10. “CCR” No Change
11. “CCR landfill” No Change
12. “CCR surface impoundment” No Change
13. “CCR unit” No Change
14. “Cesspool” No Change
15. “Chamber technology” No Change
16. “CMOM plan” No Change
17. “Design capacity” No Change
18. “Design flow” No Change
19. “Direct reuse site” No Change
20. “Disposal works” No Change
21. “Drywell” No Change
22. “Dwelling” No Change
23. “Final permit determination” No Change
24. “Gray water” No Change
25. “Groundwater quality protection permit” No Change
26. “Homeowner’s association” No Change
27. “Injection well” No Change
28. “Intermediate stockpile” No Change
29. “Land treatment facility” No Change
30. “Mining site” No Change
31. “New or adjusted aquifer water quality standard” or “New or adjusted AWQS” means a standard or standards established under A.R.S. §§ 49-221 and/or 49-223 after January 1, 2025, for the purposes of R18-9-A215. A “New or adjusted AWQS” becomes an established AWQS for the purposes of an individual APP when a determination is made by the Department on whether new or adjusted Alert Levels, Discharge Limits and/or AQLs are required pursuant to R18-9-A215(D).
- ~~31-32.~~ 32-32. “Nitrogen Management Area” means an area designated by the Director for which the Director prescribes measures on an area-wide basis to control sources of nitrogen, including cumulative discharges from on-site wastewater treatment facilities, that threaten to cause or have caused an exceedance of the Aquifer Water Quality Standard for nitrate.
- ~~32-33.~~ 33-33. “Notice of Disposal” means a document submitted to the Arizona Department of Health Services or the Department before September 27, 1989, giving notification of a pollutant discharge that may affect groundwater.
- ~~33-34.~~ 34-34. “On-site wastewater treatment facility” means a conventional septic tank system or alternative system that is installed at a site to treat and dispose of wastewater of predominantly human origin that is generated at that site. A.R.S. § 49-201(29). An on-site

wastewater treatment facility does not include a pre-fabricated, manufactured treatment works that typically uses an activated sludge unit process and has a design flow of 3000 gallons per day or more.

~~34~~35. “Operational life” means the designed or planned period during which a facility remains operational while being subject to permit conditions, including closure requirements. Operational life does not include post-closure activities.

~~35~~36. “Person” means an individual, employee, officer, managing body, trust, firm, joint stock company, consortium, public or private corporation, including a government corporation, partnership, association or state, a political subdivision of this state, a commission, the United States government or any federal facility, interstate body or other entity. A.R.S. § 49-201(33). For the purposes of permitting a sewage treatment facility under Article 2 of this Chapter, person does not include a homeowner’s association.

~~36~~37. “Pilot project” means a short-term, limited-scale test designed to gain information regarding site conditions, project feasibility, or application of a new technology.

~~37~~38. “Process solution” means a pregnant leach solution, barren solution, raffinate, or other solution uniquely associated with the mining or metals recovery process.

~~38~~39. “Residential soil remediation level” means the applicable predetermined standard established in 18 A.A.C. 7, Article 2, Appendix A.

~~39~~40. “Seasonal high water table” means the free surface representing the highest point of groundwater rise within an aquifer due to seasonal water table changes over the course of a year.

~~40~~41. “Setback” means a minimum horizontal distance maintained between a feature of a discharging facility and a potential point of impact.

~~41~~42. “Sewage” means untreated wastes from toilets, baths, sinks, lavatories, laundries, other plumbing fixtures, and waste pumped from septic tanks in places of human habitation, employment, or recreation. Sewage does not include gray water as defined in A.R.S. § 49-201(20), if the gray water is reused according to 18 A.A.C. 9, Article 7.

~~42~~43. “Sewage collection system” means a system of pipelines, conduits, manholes, pumping stations, force mains, and all other structures, devices, and appurtenances that collect, contain, and convey sewage from its sources to the entry of a sewage treatment facility or on-site wastewater treatment facility serving sources other than a single-family dwelling.

~~43~~44. “Sewage treatment facility” means a plant or system for sewage treatment and disposal, except for an on-site wastewater treatment facility, that consists of treatment works, disposal works and appurtenant pipelines, conduits, pumping stations, and related subsystems and devices. A sewage treatment facility does not include components of the sewage collection system or the reclaimed water distribution system.

~~44~~45. “Surface impoundment” means a pit, pond, or lagoon with a surface dimension equal to or greater than its depth, and used for the storage, holding, settling, treatment, or discharge of liquid pollutants or pollutants containing free liquids.

~~45-46.~~ “Tracer” means a substance, such as a dye or other chemical, used to change the characteristic of water or some other fluid to detect movement.

~~46-47.~~ “Tracer study” means a test conducted using a tracer to measure the flow velocity, hydraulic conductivity, flow direction, hydrodynamic dispersion, partitioning coefficient, or other property of a hydrologic system.

~~47-48.~~ “Treatment works” means a plant, device, unit process, or other works, regardless of ownership, used for treating, stabilizing, or holding municipal or domestic sewage in a sewage treatment facility or on-site wastewater treatment facility.

~~48-49.~~ “Typical sewage” means sewage conveyed to an on-site wastewater treatment facility in which the total suspended solids (TSS) content does not exceed 430 mg/l, the five-day biochemical oxygen demand (BOD5) does not exceed 380 mg/l, the total nitrogen does not exceed 53 mg/l, and the content of oil and grease does not exceed 75 mg/l.

~~49-50.~~ “Underground storage facility” means a constructed underground storage facility or a managed underground storage facility. A.R.S. § 45-802.01(21).

~~50-51.~~ “Waters of the United States” means:

- a. All waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide;
- b. All interstate waters, including interstate wetlands;
- c. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any waters:
 - i. That are or could be used by interstate or foreign travelers for recreational or other purposes;
 - ii. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - iii. That are used or could be used for industrial purposes by industries in interstate commerce;
- d. All impoundments of waters defined as waters of the United States under this definition;
- e. Tributaries of waters identified in subsections (a) through (d);
- f. The territorial sea; and
- g. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in subsections (a) through (f).

ARTICLE 2. AQUIFER PROTECTION PERMITS – INDIVIDUAL PERMITS

PART A. APPLICATION AND GENERAL PROVISIONS

Section

R18-9-A215. New or Adjusted Aquifer Water Quality Standards

A. Upon the establishment of a new or adjusted AWQS, the Director shall develop a schedule to amend Individual APPs that were issued as of the effective date of a new or adjusted AWQS pursuant to R18-9-A211.

B. Persons holding Individual APPs that were issued as of the effective date of a new or adjusted AWQS shall submit an administratively complete application to amend their permit to reflect new or adjusted AWQSs pursuant to the amendment schedule described in subsection (A) above.

1. Notwithstanding the amendment schedule described in subsection (A) above, administratively complete applications shall be submitted to the Department no later than four years after a new or adjusted AWQS effective date.

2. The subsection (B)(1) requirement may be waived if a demonstration is submitted to and approved by the Department that a pollutant with a new or adjusted AWQS is not likely to be present in a facility's discharge pursuant to subsection (E).

C. Persons holding Individual APPs that were issued as of the effective date of a new or adjusted AWQS with active discharge, groundwater point of compliance and/or other monitoring locations specified in the permit that are subject to limits based on AWQSs shall begin Baseline Discharge and/or Groundwater Monitoring for all new or adjusted AWQSs within three months of the effective date of a new or adjusted AWQS unless a demonstration is approved by the Department pursuant to subsection (E).

1. Baseline Monitoring Requirements.

a. Baseline discharge and groundwater monitoring shall be reported to the Director throughout the monitoring period in a method specified by the Director.

b. Subsection R18-9-A206(B) applies to baseline discharge and groundwater monitoring.

c. Baseline monitoring shall occur at active discharge, groundwater point of compliance and/or other monitoring locations specified in the permit that are subject to limits based on AWQSs.

d. Permittees that monitor groundwater at their site, pursuant to an existing Individual APP, shall conduct sampling for baseline groundwater monitoring at the applicable point(s) of compliance for eight quarters. Permittees shall continue quarterly monitoring under this subsection until a determination is made by the Department on whether new or adjusted Alert Levels, Discharge Limits and/or AQLs are required pursuant to subsection (D) of this section. The Director may shorten or lengthen the monitoring period if one or more of the following events occur:

i. A deviation from an operational practice or design authorized in the individual permit;

ii. An exceedance of any alert or discharge limit;

iii. An exceedance of a new or adjusted AWQS;

iv. An increasing trend in the monitoring data; or

v. Any other significant issue that affects baseline monitoring.

e. Baseline groundwater monitoring may additionally occur at up, cross or down gradient wells in relation to the facility, if available.

- f. Permittees that have collected samples prior to a Baseline Discharge and/or Groundwater Monitoring period at active discharge, groundwater point of compliance and/or other monitoring locations specified in the permit that are subject to limits based on AWQs may use that data to develop the Baseline Monitoring Report. Previously collected data submissions may result in a reduction of the sampling duration.
 - g. Permittees that monitor their discharge, pursuant to an existing Individual APP, shall conduct baseline discharge monitoring for newly established or adjusted AWQs on a monthly frequency for one year. Permittees shall continue monthly monitoring under this subsection until a determination is made by the Department on whether new or adjusted Alert Levels, Discharge Limits and/or AQLs are required pursuant to subsection (D) of this section. The Director may shorten or lengthen the monitoring period if one or more of the following events occur:
 - i. A deviation from an operational practice or design authorized in the individual permit;
 - ii. An exceedance of any alert or discharge limit;
 - iii. An exceedance of a new or adjusted AWQs;
 - iv. An increasing trend in the monitoring data; or
 - v. Any other significant issue that affects baseline monitoring.
 - h. Sampling shall be conducted using an Arizona Department of Health Services approved method for each pollutant with a newly established or adjusted AWQs, if available.
 - i. If an Arizona Department of Health Services approved method for a pollutant with a newly established or adjusted AWQs does not exist, sampling shall be conducted using an EPA approved method or a method specified by the Director.
2. Baseline Monitoring Report.
- a. At the conclusion of the baseline discharge and/or groundwater monitoring, permittees shall submit to the Department a Baseline Monitoring Report within three months of the date of the last sample collected.
 - b. The samples collected and the report shall, at a minimum, characterize the discharge and/or groundwater quality at the compliance monitoring locations in the permit in relation to the pollutants with new or adjusted AWQs.
 - c. Characterization may also include up, cross or down gradient wells in relation to the facility that were sampled for the purposes of baseline groundwater monitoring, if available.
 - d. The report shall include:
 - i. The sampling results of any pollutants with new or adjusted AWQs detected through discharge or groundwater monitoring,
 - ii. A demonstration of the baseline concentrations of each new or adjusted AWQs at the applicable point(s) of compliance and other locations subject to active discharge and/or groundwater monitoring in the permit,
 - iii. Laboratory data from the entire baseline monitoring period, and

- iv. An Alert Level, Discharge Limit and AQL proposal, as applicable, for each pollutant with a new or adjusted AWQS.
- e. Following receipt of the Baseline Monitoring Report and review by the Department, additional information may be required.
- D. Upon submission of the Baseline Monitoring Report, the Department shall determine whether new or adjusted Alert Levels, Discharge Limits and/or AQLs are required for each new or adjusted AWQS in accordance with R18-9-A205. Thereafter, the Department may incorporate levels and/or limits, if necessary, into the applicable existing Individual APP through an amendment pursuant to subsection (A) of this section.
- E. A pollutant with a new or adjusted AWQS may be removed from the scope of baseline discharge and/or groundwater monitoring upon a successful demonstration that the pollutant is not likely to be present in a facility's discharge. Demonstrations may include, but are not limited to:
1. A characterization of the facility's discharge in relation to the pollutant with a new or adjusted AWQS;
 2. Past monitoring and sampling data at the facility and the facility's site; or
 3. A demonstration of the background concentrations of the pollutant at the facility's site.
- F. The Department may require persons holding Individual APPs that were issued as of the effective date of a new or adjusted AWQS and that do not have active discharge or groundwater monitoring in their permit to reasonably characterize their discharge and/or groundwater quality in relation to pollutants with new or adjusted AWQSs within a reasonable amount of time. This requirement may be waived upon the successful demonstration that a pollutant is not likely to be in a facility's discharge, pursuant to subsection (E).