

STATEMENT OF BASIS FOR MODIFICATION **OF AZPDES PERMIT NO. AZ0020443**

Pursuant to Arizona Administrative Code (A.A.C.) R18-9-B906, on April 10, 2026, ADEQ received an application from the City of Yuma, owner of Figueroa Avenue Water Pollution Control Facility (WPCF), herein referred to as Yuma Figueroa, to modify Arizona Pollution Discharge Elimination System (AZPDES) Permit No. AZ0020443, which became effective on August 15, 2023 (LTF No. 96095) and was then modified on August 13, 2025 (LTF No. 107711). This new permit modification changes the applied A.A.C. R18-11 Appendix B receiving water from the Colorado River to the Paradise Cove West Wetland resulting in the removal of the designated use (DU) Domestic Water Source (DWS) from the permit. The discharge outfall location remains the same.

Facility Information

Yuma Figueroa is a Publicly Owned Treatment Works (POTW) with a design capacity of 12 million gallons per day (MGD) and an average discharge of 7.2 MGD. The treatment process consists of bar screens, grit chambers, primary clarifiers, aeration basins, secondary clarifiers, chlorine contact basins, dechlorination, anaerobic sludge digesters, and gravity sludge thickener. Digested and thickened sludge is hauled from Yuma Figueroa by an independent contractor to be utilized for agricultural land application.

Receiving Waters

The receiving water for Outfall 001 is an effluent-dependent federal mitigation wetland known as the Paradise Cove West Wetland, which is tributary to the Colorado River, a protected surface water in Arizona that is a Water of the United States (WOTUS), in the Lower Gila River Basin. Following the approval from the U.S. Environmental Protection Agency (EPA), Paradise Cove West Wetland will be granted status as a protected surface water with its own designated uses.

Historically, ADEQ's AZPDES program viewed Paradise Cove West Wetland as part of the Colorado River and as having the same designated uses as the Colorado River (Topock Marsh to Morelos Dam, WBID 15030107-001): Aquatic and Wildlife warm water (A&Ww), Full Body Contact (FBC), Fish Consumption (FC), Agricultural Irrigation (AgI), Agricultural Livestock Watering (AgL), and DWS.

Following the ADEQ rulemaking and pending approval from the U.S. EPA, Paradise Cove West Wetland will be added as a distinct waterbody under the A.A.C. R18-11, Appendix B protected surface water list. The rulemaking will result in the removal of the DWS designated use for the wetland. DWS is not one of the mandatory designated uses specified in Clean Water Act (CWA) §101(a)(2).

This rulemaking has significant support from stakeholders in the Yuma area, including the City of Yuma, the City of Yuma's utilities services, the Bureau of Land Management (BLM), and the Cocopah Tribe.

Description of Modification

The City of Yuma is requesting a modification to the Yuma Figueroa AZPDES permit to align with the rulemaking and new status of the Paradise Cove West Wetland. With the pending removal of the DWS DU, the modification will remove the Nitrate + Nitrite limit and the corresponding compliance schedule. When ADEQ receives a permit modification with a change in receiving water or DU, ADEQ performs a Reasonable Potential (RP) analysis to determine if any pollutant limits are impacted by the change. This new RP analysis led to new limits being added

for selenium, bromodichloromethane, and dibromochloromethane and the removal of limits for nitrate + nitrite, manganese, and mercury.

ADEQ has reviewed the request and proposes to modify the permit as follows:

Current Permit	Modification	Reason for Change
Special conditions Part V.B. – Compliance Schedule Permit Adds an August 15, 2026 Compliance Schedule deadline to achieve Nitrate + Nitrite permit limits	Remove Compliance Schedule and Nitrate + Nitrate limits from the permit upon EPA approval of ADEQ rulemaking of Paradise Cove West Wetland waterbody.	ADEQ undertook a rulemaking to add Paradise Cove West Wetland to the A.A.C. R18-11, Appendix B Surface Waters and Designated Uses and to the A.A.C. R18-11-216, Table B WOTUS Protected Surface Waters. The rulemaking will set customized standards for the wetland that will protect human health and the environment while decreasing regulatory burden. The designated use DWS will no longer apply to the wetland, resulting in the removal of the limit for Nitrate + Nitrite. ADEQ's rulemaking is currently under review by EPA.
No Special Condition	Added Special Condition in Part V.E. of the Permit – Following the ADEQ rulemaking and pending approval from the U.S. EPA, Paradise Cove West Wetland will be added as a distinct waterbody under the A.A.C. R18-11, Appendix B protected surface water list. The rulemaking will result in the removal of the DWS designated use for the wetland. Upon EPA approve, the current Compliance Schedule (Part V.B. of the permit) will no longer be in effect or applicable	EPA is currently in the process of approving the ADEQ rulemaking to make Paradise Cove Wetland its own receiving water with its own designated uses. EPA approval will happen before current compliance schedule reaches its deadline.

Current Permit	Modification	Reason for Change
Mercury and Manganese – Limited	Mercury and Manganese - Limit removed	An RP analysis using the provided effluent data showed there was no RP for these parameters so limits were removed.
Bromodichloromethane, Dibromochloromethane, and Boron – not limited	Limit added	An RP analysis using the provided effluent data resulted in adding a limit for these parameters.
Selenium – not limited	Limit added ¹	An RP analysis using the provided effluent data resulted in adding a limit for this parameter.
Footnotes		
1	One sampling date (April 5, 2023) was excluded from RP calculation for Method 200.8. On April 5, 2023, samples collected and analyzed for metals using EPA Method 200.8 were diluted 1:100, resulting in a reporting limit (RL) of 0.05 mg/L (50 µg/L) for a non-detect result. This 50 µg/L RL leads to high max concentration that is not representative of historical data of Figueroa Avenue WPCF. A review of historical data from the past 5 years reveals that the highest concentration reported in the effluent for Figueroa Avenue WPCF was 1.4 µg/L. After chemical analysis was conducted, the lab expressed that best practice would have been to evaluate the data at a lower dilution, but noted the analysis satisfied established quality control criteria and lacked sufficient technical justification to reject the data. Based on the given information, it was determined that removing the data point produces a more accurate representation of the actual discharge from Figueroa Avenue WPCF while remaining protective of human health and the environment.	

Anti-Backsliding Considerations:

“Anti-backsliding” refers to statutory (CWA §402(o)) and regulatory (40 CFR 122.44(l)) requirements that prohibit the renewal, reissuance, or modification of an existing NPDES permit that contains effluent limits, permit conditions, or standards that are less stringent than those established in the previous permit. The rules

and statutes do identify exceptions to these circumstances where backsliding is acceptable. This permit has been reviewed and drafted with consideration of anti-backsliding concerns.

Under 40 CFR 122.44(l)(2)(i)(B)(1) a permit may be modified to contain a less stringent effluent limitation if information becomes available which was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and which would have justified the application of a less stringent effluent limitation at the time of permit issuance. This is such a case. ADEQ conducted a site visit on July 9, 2024, to assess the wetland and determine which designated uses were appropriate for the waterbody. ADEQ concluded DWS was not necessary for the wetland when analyzing the flow pattern of the wetland to the Colorado River, and that the proposed designated uses are safe and appropriate for the waterbody.

Limits for the following parameters have been removed from the permit because evaluation of current data allows the conclusion that no reasonable potential (RP) for an exceedance of a standard exists:

- Nitrate + Nitrite (Outfall 001) (removed upon EPA approval of ADEQ rule making)
- Mercury (Outfall 001)
- Manganese (Outfall 001)

This is considered allowable backsliding under 303(d)(4). The effluent limitations in the current permit for these five parameters were based on state standards, the respective receiving waters are in attainment for these parameters, and the revisions are consistent with antidegradation requirements. See Section XII for information regarding antidegradation requirements.

Public Notice (A.A.C. R18-9-A907)

The public notice is the vehicle for informing all interested parties and members of the general public of the contents of a draft AZPDES permit or other significant action with respect to an AZPDES permit or application. The basic intent of this requirement is to ensure that all interested parties have an opportunity to comment on significant actions of the permitting agency with respect to a permit application or permit. This permit will be public noticed on ADEQ's website after a pre-notice review by the applicant and other affected agencies.

Public Comment Period (A.A.C. R18-9-A908)

Rules require that permits be public noticed on ADEQ's website or in a newspaper of general circulation within the area affected by the facility or activity and provide a minimum of 30 calendar days for interested parties to respond in writing to ADEQ. After the closing of the public comment period, ADEQ is required to respond to all significant comments at the time a final permit decision is reached or at the same time a final permit is issued.

Public Hearing (A.A.C. R18-9-A908(B))

A public hearing may be requested in writing by any interested party. The request should state the nature of the issues proposed to be raised during the hearing. A public hearing will be held if the Director determines there is a significant amount of interest expressed during the 30-day public comment period, or if significant new issues arise that were not considered during the permitting process.

EPA Review (A.A.C. R18-9-A908(C))

A copy of this draft permit modification and any revisions made to this draft as a result of public comments received were sent to EPA Region 9 for review. If EPA objects to a provision of the draft, ADEQ will not issue the permit until the objection is resolved.

Additional information relating to this proposed permit may be obtained from:

Arizona Department of Environmental Quality
Water Quality Division – Surface Water Permits
Attn: Benjamin Karls
1110 West Washington Street
Phoenix, Arizona 85007

Or by contacting Benjamin Karls at 520-628-6351 or by e-mail at karls.benjamin@azdeq.gov.

Information Sources

1. AZPDES Permit Application Form2A and 2S received April 10, 2026, along with supporting data, facility diagram, and maps submitted by the applicant with the application forms.
2. ADEQ files on Figueroa Avenue Water Pollution Control Facility.
3. ADEQ Geographic Information System Website
4. Arizona Administrative Code (A.A.C.) Title 18, Chapter 11, Article 1, Water Quality Standards for Surface Waters, adopted December 31, 2016.
5. A.A.C. Title 18, Chapter 9, Article 9. Arizona Pollutant Discharge Elimination System rules.
6. Code of Federal Regulations Title 40:
 - Part 122, EPA Administered Permit Programs: The National Pollutant Discharge Elimination System.
 - Part 124, Procedures for Decision Making.
 - Part 133. Secondary Treatment Regulation.
 - Part 503. Standards for the Use or Disposal of Sewage Sludge.
7. EPA Technical Support Document for Water Quality-based Toxics Control (EPA-505-2-90-001, 1991).
8. U.S. EPA NPDES Permit Writers' Manual, September 2010.