

Arizona Department of Environmental Quality

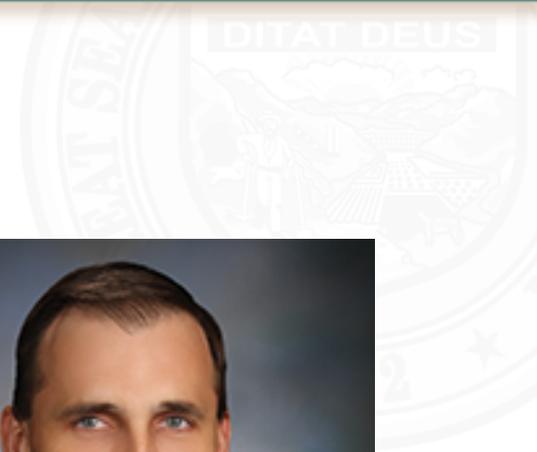
Clean Water Act § 404 Assumption Roadmap Review Meeting

September 17: Flagstaff

September 19: Phoenix

September 20: Tucson





WELCOME

Trevor Baggione, ADEQ Water Quality Division Director

- Assess the proposed State § 404 Program outlined in the Roadmap
 - What is good?
 - What is missing?
 - What is unclear?
- Determine understanding of the proposed program





- Background on the CWA § 404 Program
- Roadmap to assumption
- Assess the proposed program
- Poll questions
- Next steps



TIPS FOR A GOOD MEETING



- Listen and express
- Support and challenge
- Restrooms and phones
- Comment form available online
- Participate in poll
 - Text to: 22333
 - Message: gciaz



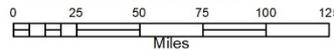
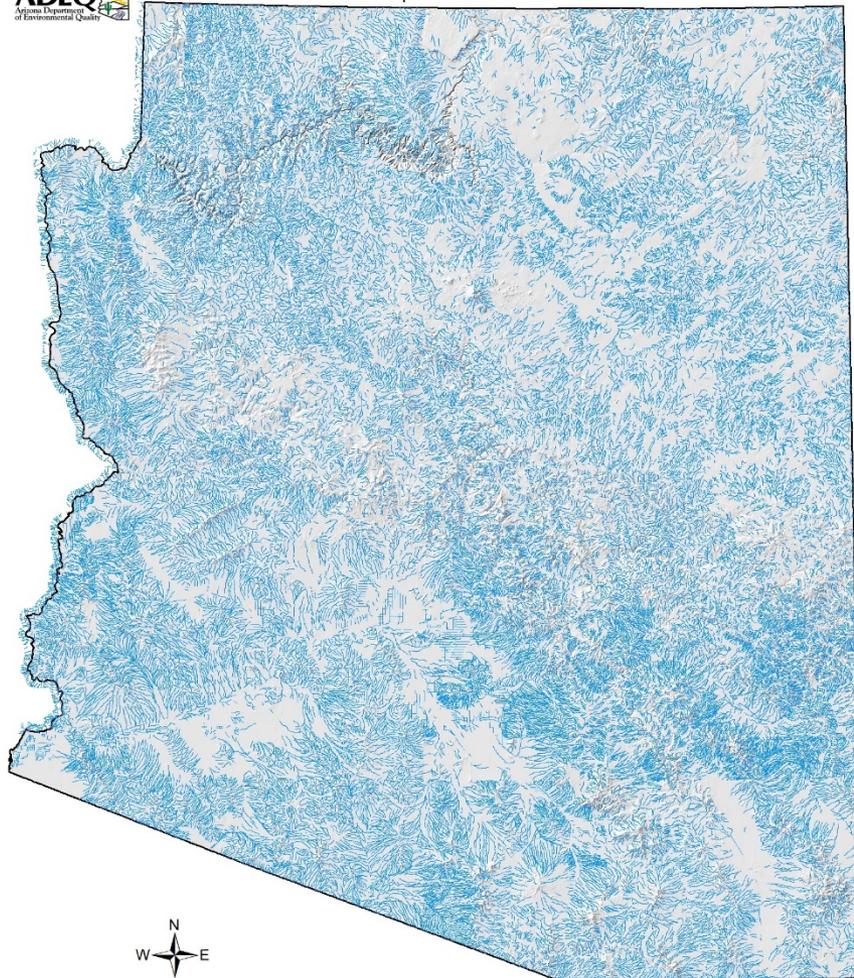


BACKGROUND ON THE CWA § 404 PROGRAM

DRAFT ARIZONA WATERS MAP



Arizona Ephemeral Waters



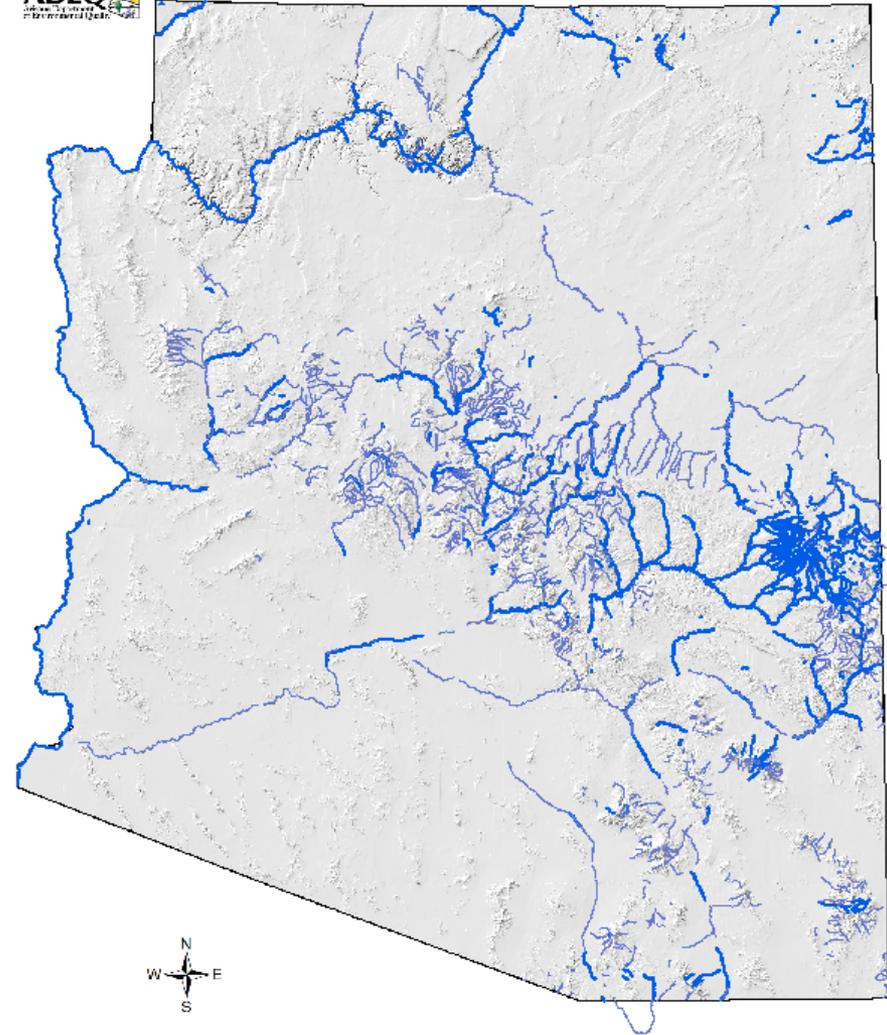
1 in = 42 miles

This map is for general reference only and may not be all-inclusive. ADEQ program's data collection efforts are ongoing. More detailed information and specific locations can be obtained by contacting the Arizona Department of Environmental Quality.

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Arizona Perennial and Intermittent Waters



1 in = 42 miles

This map is for general reference only and may not be all-inclusive. ADEQ program's data collection efforts are ongoing. More detailed information and specific locations can be obtained by contacting the Arizona Department of Environmental Quality.

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§ 404 OF THE CLEAN WATER ACT

- § 404 was intended to prevent and mitigate impacts from the discharge of dredged or fill material within Waters of the United States (WOTUS)
- A person may not discharge dredge or fill material into a WOTUS without a permit.



CAP Tonopah Desert Recharge Project
Source: AZTEC TYPESA Group



South Mountain Freeway Construction, Salt
River Bridge Foundations
Source: ADOT

- To get a permit:
 - Must show efforts to avoid or minimize impacts
 - Mitigation required if impacts are avoidable



CAP Tonopah Desert Recharge Project
Source: AZTEC TYP SA Group

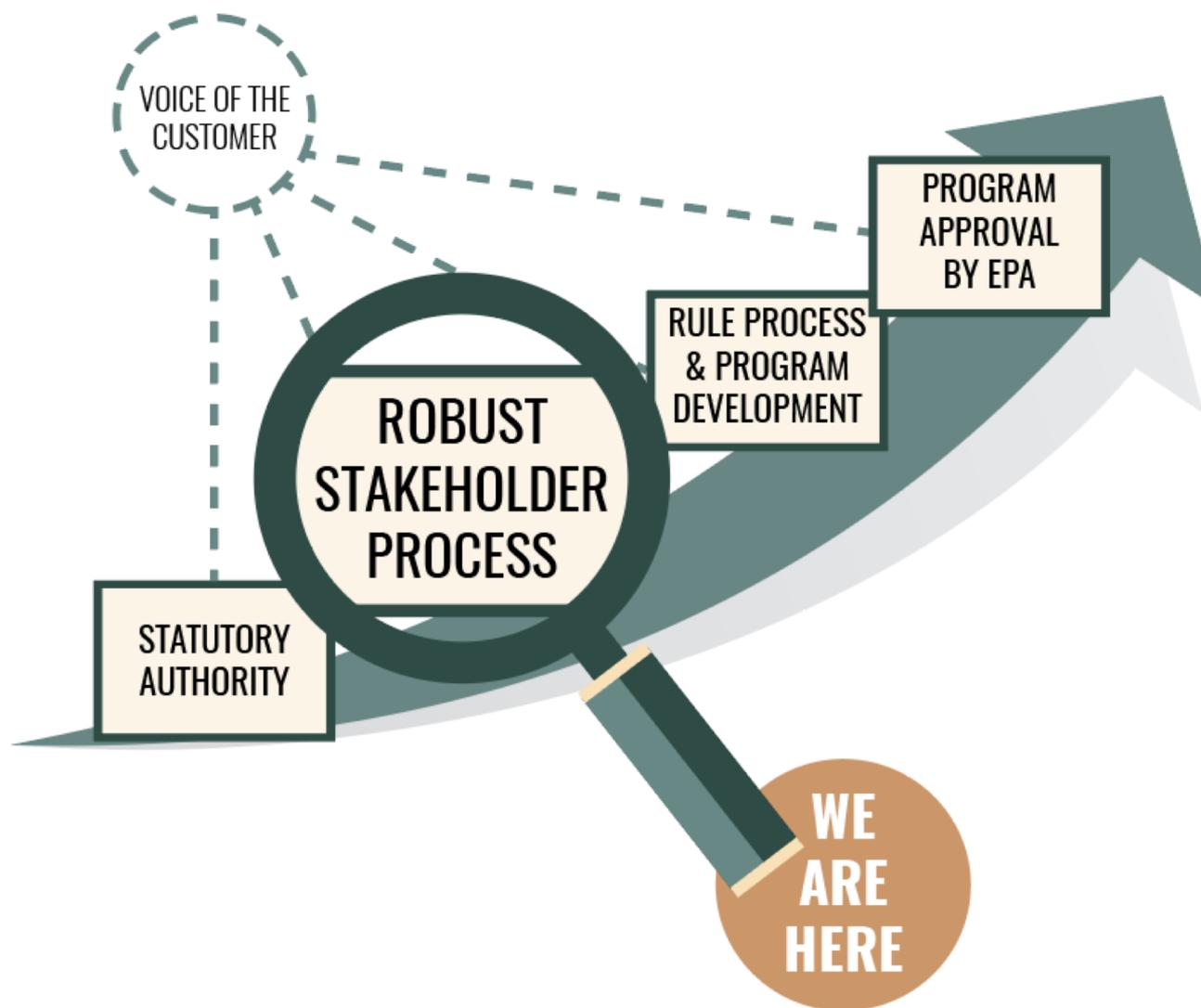


South Mountain Freeway Construction, Salt
River Bridge Foundations
Source: ADOT



ARIZONA'S ROADMAP TO ASSUMPTION

CWA 404 ASSUMPTION PROCESS



ROBUST STAKEHOLDERS PROCESS

OUTREACH



472
PARTICIPANTS

6 STAKEHOLDER MEETINGS



91
MEMBERS

70 TECHNICAL WORK
GROUP MEETINGS



17
MEMBERS

7 EXECUTIVE WORK
GROUP MEETINGS

Tribal Engagement



Governor's Office on Tribal Relations sent a request for engagement

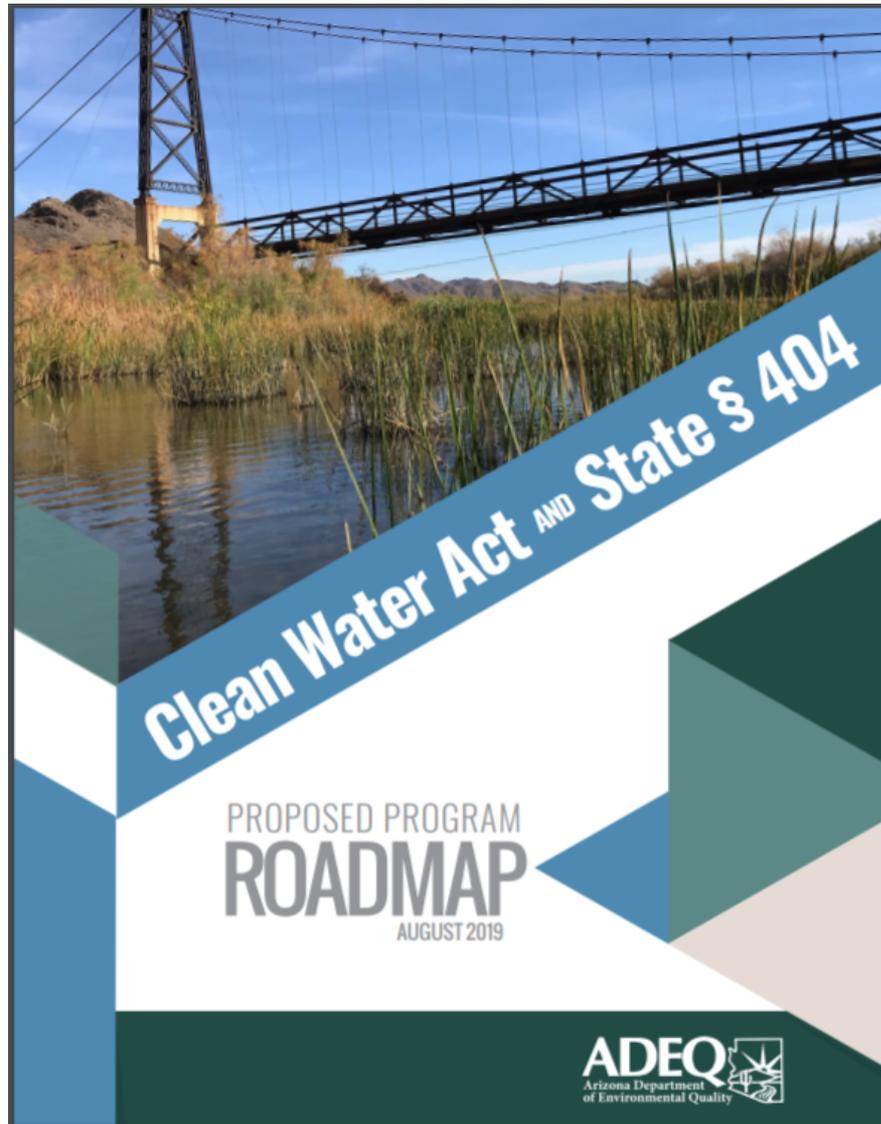


Inter Tribal Council of Arizona hosted a listening session



8 tribes requested and received formal consultation

ROADMAP: STATE 404 ASSUMPTION



AZ PROGRAM FEATURES

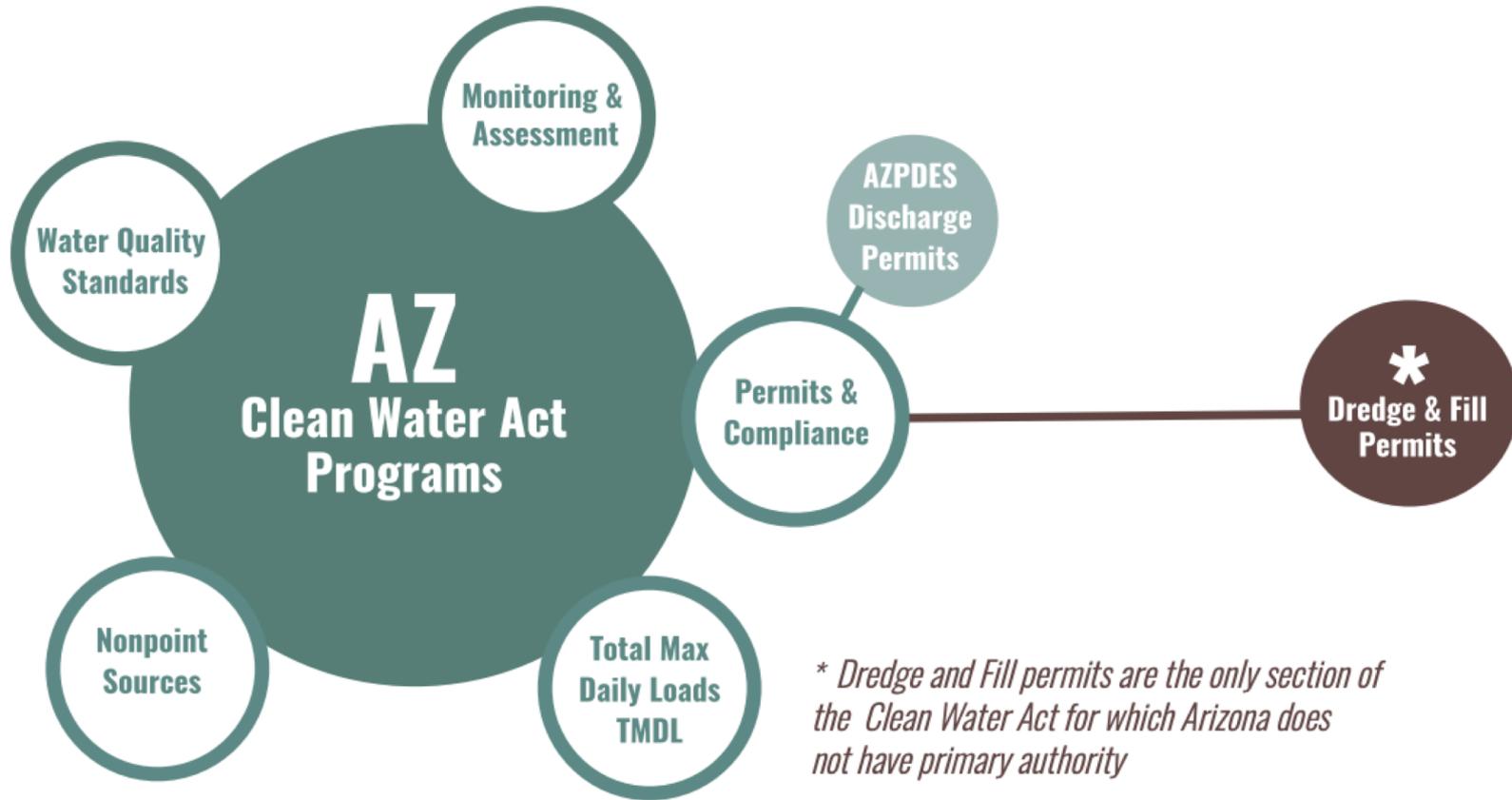
Comparison of Federal and State Program

404(b)(1) Review	<ul style="list-style-type: none">• Same as the current Federal program
Endangered Species Act Protections*	<ul style="list-style-type: none">• Same as the current Federal program• Some permits that need ESA § 7 incidental take protections may be “off ramped” back to Army Corps
National Historic Preservation Act*	<ul style="list-style-type: none">• State Historic Preservation Act would apply instead
National Environmental Policy Act	<ul style="list-style-type: none">• Not a feature of the State program
Tribal Engagement	<ul style="list-style-type: none">• Applies to all permits and applications
Historic Resource Protections*	<ul style="list-style-type: none">• Protections for sites in the Waters of the US• Identify, document, and nominate properties to the Arizona Register of Historic Places
Public Interest Review	<ul style="list-style-type: none">• Army Corps requirement• Not a feature of the State program
Public Notice*	<ul style="list-style-type: none">• State program will feature 2 public notices
Enforcement *	<ul style="list-style-type: none">• Respond to complaints, proactive inspections, etc.



BENEFITS OF ARIZONA ASSUMPTION

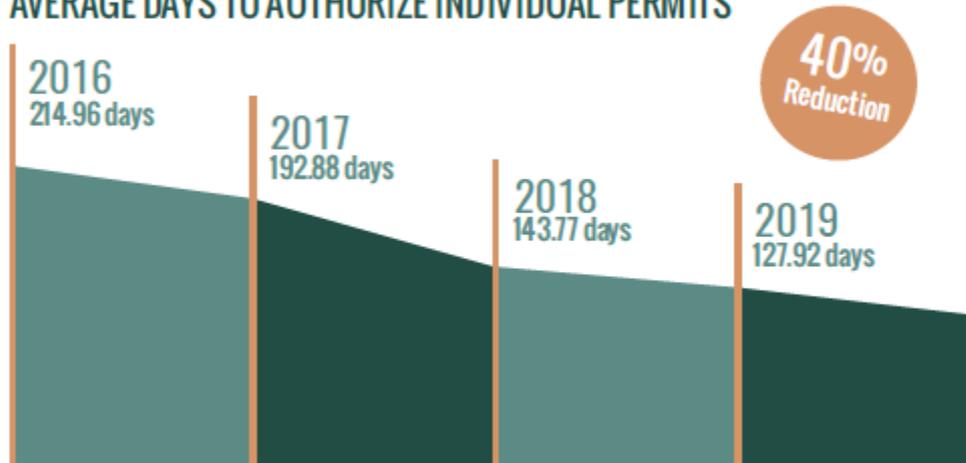
Improved Accountability



** Dredge and Fill permits are the only section of the Clean Water Act for which Arizona does not have primary authority*

HISTORY: REDUCED TIME FRAMES

AVERAGE DAYS TO AUTHORIZE INDIVIDUAL PERMITS



ADEQ has continuously reduced the number of days to authorize Individual Permits

AVERAGE DAYS TO RETURN TO COMPLIANCE



Through compliance assistance efforts, ADEQ has worked with customers to reduce the number of days to return to compliance





- First notice upon receipt of application
- Second notice to review draft permit
- Online tools to track



ADDITIONAL BENEFITS

- Predictable and consistent permit conditions
- Surface water data to better condition permits





- Inspect facilities
- Respond to complaints
- Enforce program rules and statutes
- Promote positive environmental practices





PROGRAM DESCRIPTION

ESTIMATED PROGRAM COSTS

- \$2.5 million annually
 - 10 staff
 - More than 300 actions
- Fees to be established in rule
- Applicants to cover the costs of the program



- ADEQ will review and make determination of potential impacts
- If no unacceptable adverse impact, a permit may be issued
- ADEQ is not authorized to issue incidental take permits



Apache trout (*Oncorhynchus apache*)
Photo courtesy of Arizona Game and Fish



- Engagement with Tribes and State Historic Preservation Office
- Only issue a permit if no significant degradation will occur in the WOTUS
- If no significant degradation will occur in the WOTUS, ADEQ may issue permit
- Identify, document, and nominate properties to the Arizona Register of Historic Places, as required by State Historic Preservation Act





ASSESSMENT OF THE PROPOSED PROGRAM

- On a sticky note: print one item per page
 - What is good?
 - What is missing?
 - What is unclear?
- Post on wall





- ADEQ will use your input to:
 - Identify gaps in the proposed program
 - Decide if assuming the program will add value



- Go to www.azdeq.gov/404
- Review Roadmap
- Click on link on page 66
- Answer questions



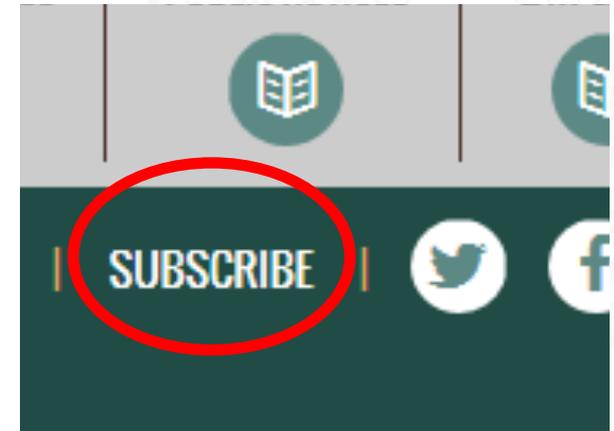
NEXT STEPS:

SUBMIT COMMENT BY NOV 18



COMING SOON: WATERS OF THE STATE

- To subscribe to ADEQ announcements via Govdelivery, click “subscribe” on bottom right of ADEQ home page
- [Subscribe](#) specifically to the “WOAZ Stakeholder Communications” list



EMAIL: CWA404@AZDEQ.GOV

FOR MORE INFORMATION