

Arizona Department of Environmental Quality

Aquifer Water Quality Standards (AWQS) Rulemaking
Stakeholder Meeting
June 8, 2023



WELCOME

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Deputy Director
ADEQ Water Quality Division



Agenda and Logistics

- AWQS Team Introductions
- Housekeeping
- AWQS Statute
 - What Are We Doing and Why Now?
 - The Seven Contaminants - Comparison
 - MCL Adoption or Alternative AWQS
- AWQS “Standard Work”
- Rulemaking Schedule
- Next Steps
- Questions



What Are We Doing and Why Now?

- Updating the AWQS pursuant to A.R.S. § 49-223
 - All Aquifers in Arizona are designated for Drinking Water protected use
 - 2021 Audit
- Federal MCL/State AWQS Comparison Table:

<i>Pollutant</i>	<i>DW MCL</i>	<i>AWQS</i>	<i>Type*</i>
<i>Arsenic</i>	0.01 mg/L	0.05 mg/L	IC
<i>Microbiological Contaminants</i>	40 CFR 141.63(c)	A.A.C. R18-11-406(F)	MC
<i>Total Trihalomethanes (TTHM)*</i>	0.08 mg/L	0.1 mg/L	DB
<i>Bromate</i>	0.01 mg/L	NONE	DB

<i>Pollutant</i>	<i>DW MCL</i>	<i>AWQS</i>	<i>Type*</i>
<i>Chlorite</i>	1 mg/L	NONE	DB
<i>Haloacetic Acids (HAA5)</i>	0.06 mg/L	NONE	DB
<i>Uranium</i>	30 µg/L	NONE	RN

*DB: Disinfectant Byproduct

*IC: Inorganic Contaminant

*RN: Radionuclide

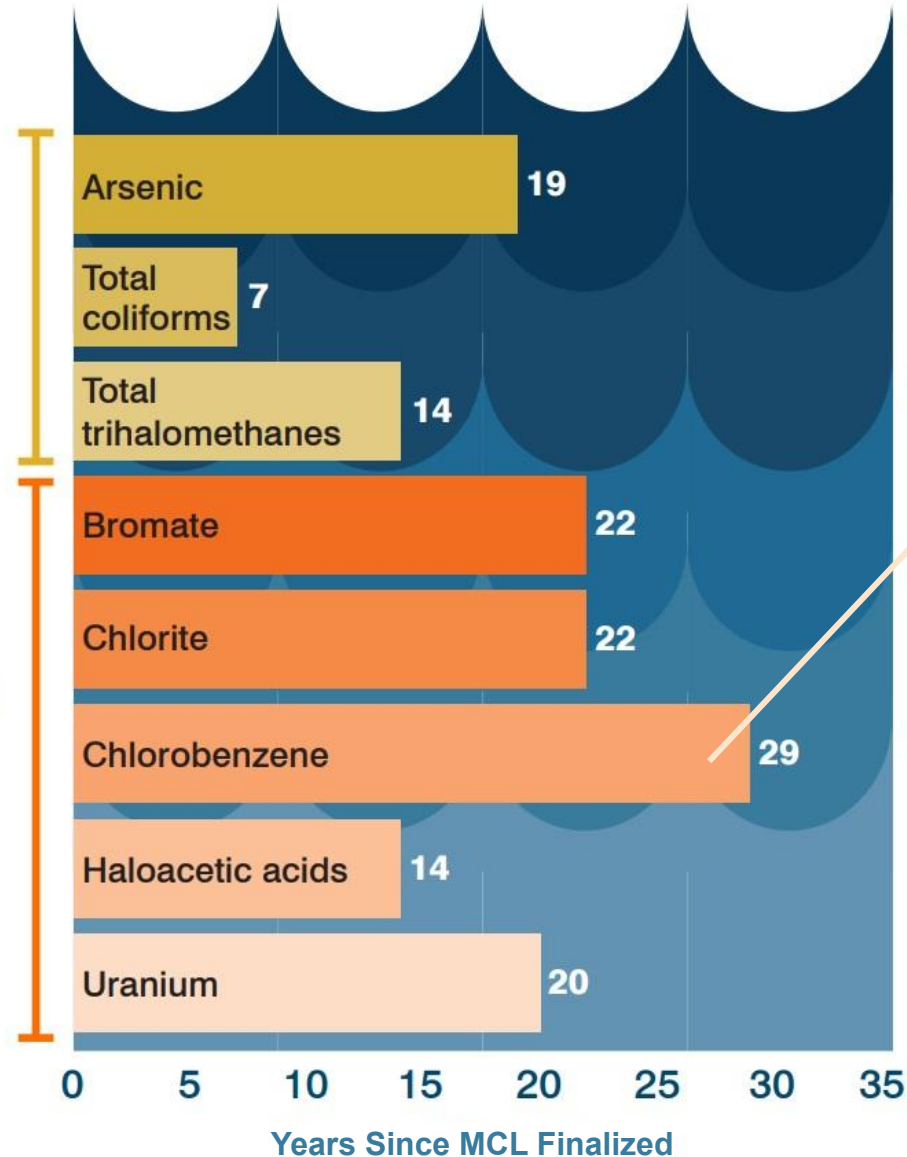
*MC: Microbiological Contaminant

SDWA MCLs: Not Established or Misaligned w/the AWQS

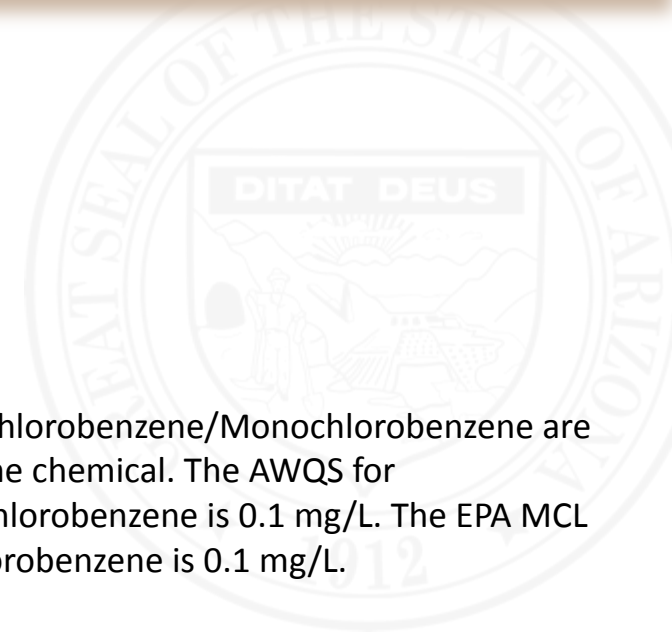
As of 2021

Contaminants with an AWQS that the Department needs to update

Contaminants without an AWQS that the Department needs to develop

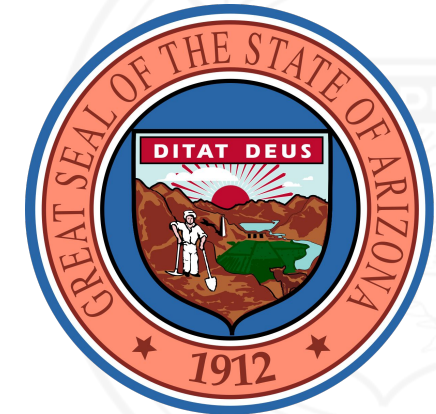


Note: Chlorobenzene/Monochlorobenzene are the same chemical. The AWQS for Monochlorobenzene is 0.1 mg/L. The EPA MCL for Chlorobenzene is 0.1 mg/L.



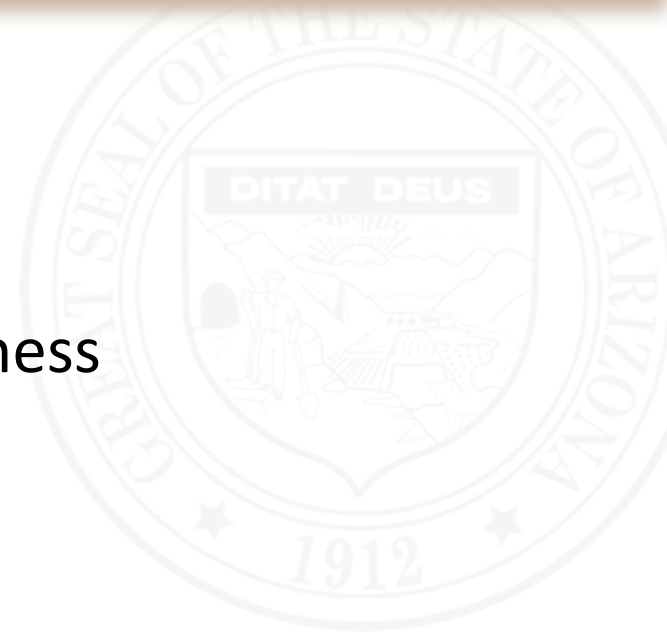
A.R.S. § 49-223. Aquifer Water Quality Standards

- AWQs must be adopted through a rulemaking.
- Within 1 year of new or adjusted MCL, ADEQ must open rulemaking docket to adopt the MCL as an AWQS.
- **Comments opposing or approving the proposed adoption may be submitted to ADEQ once the rulemaking docket it open.**
- If written, substantial opposition is received for a particular constituent, **ADEQ may adopt the MCL upon a finding it is appropriate as an AWQS in AZ.**
 - Must consider whether the EPA MCL assumptions about technologies, costs, sampling and analytical methodologies and public health risk reduction are appropriate for an AWQS.
- **ADEQ may adopt an alternative AWQS if the MCL is found to be inappropriate for an AWQS in AZ.**
 - Must be based on protection of human health.
 - Must rely on technical protocols appropriate for the development of an AWQS.
 - Must be based on credible medical and toxicological evidence that has been subjected to peer review.



“Standard Work”

- Stepwise flowchart for executing A.R.S. § 49-223 (A) & (B).
- Procedure for MCL Assumption review & MCL appropriateness determination.
- If determination of “inappropriate,” a procedure for establishing an alternative AWQS.



AWQS Rulemaking Schedule



- Scoping of project
- Determination to update AWQs
- Draft & attain Exemption Memo approval
- Stakeholder Communications Plan
- Develop Fact Sheet
- **Second ½ of 2022**

- Standard Work Development, Review past Substantial Opposition, and MCL Assumption Report
- **March 2023**

- Conduct Stakeholder Meeting
- Send A.R.S. § 49-223 Standard Work to Stakeholders for VOC feedback.
- Submit NDOs
- **End of June 2023**
- Follow developed Standard Work
- Determine whether to adopt MCLs as AWQs, or develop Alternative AWQs
- **July 2023**

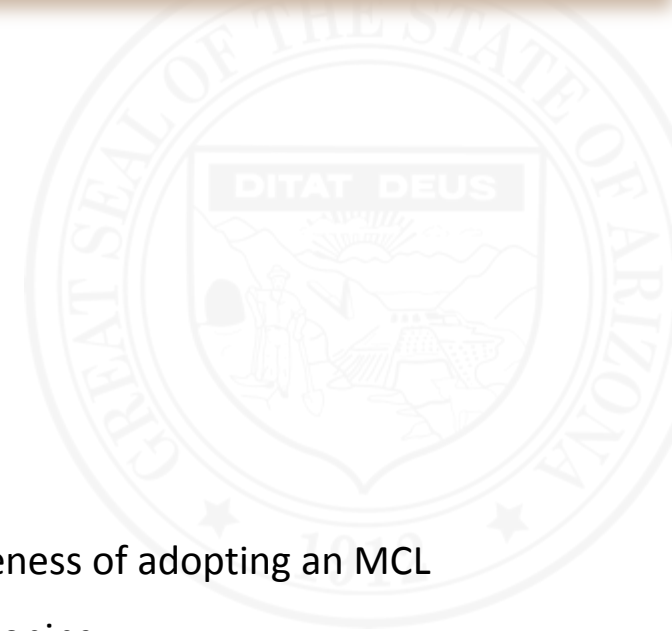
- Draft Notice of Proposed Rulemaking (NPRM)
- **December 2023**

- Send draft NPRM to stakeholders for VOC
- Consider / Incorporate VOC feedback of rule components
- Conduct Stakeholder Meeting
- **January 2024**

- Finalize NPRM
- Public Comment Period
- Oral Hearing
- **March 2024**

- Draft Notice of Final Rulemaking (NPRM) review process
- Submit NFRM
- **April - June 2024**

Next Steps:



- **Share the AWQS “Standard Work” for Review & Comment**
 - Email out to stakeholders
 - Review and comment period - deadline June 30, 2023
 - Send comments at awqs@azdeq.gov
- **Open Rulemaking Docket**
 - Projected to be published on or around June 30th in the Arizona Administrative Register.
 - Comments explaining with reasonable specificity support or opposition of the appropriateness of adopting an MCL as an AWQS will be accepted via email: awqs@azdeq.gov for the entirety of the docket opening.
 - ADEQ requests comments be submitted in the first thirty (30) days after the rulemaking docket is opened or as soon as possible thereafter.
- **ADEQ to revise “Standard Work” based on comments received**
- **Final “Standard Work” to be posted on AWQS Rulemaking website**
 - <https://azdeq.gov/node/9096>
- **Follow Requirements of A.R.S. § 49-223 & the “Standard Work”**

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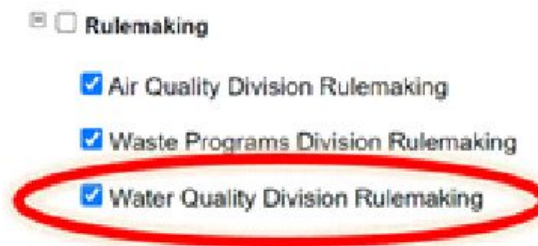
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Questions? Comments? → AWQS@azdeq.gov

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