

# Aquifer Water Quality Standards (AWQS) Rulemaking Update

## Tribal Listening Session

Groundwater Protection Section  
Water Quality Division  
December 12, 2023



Clean Air, Safe Water,  
Healthy Land for Everyone





Randy Matas  
*Deputy Director*  
*Water Quality Division*



Len Drago  
*Tribal Liaison & Ombudsman*  
*Office of Intergovernmental &*  
*Community Affairs*

# AWQS Team Members



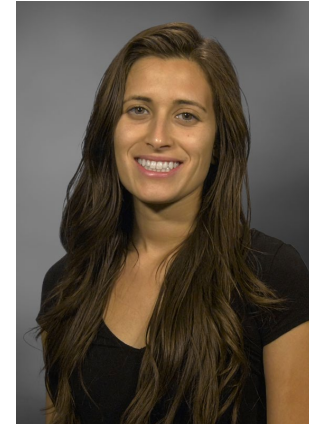
Rhona Mallea  
*Project Manager*  
*Water Quality Division*



Ethan Leiter  
*Manager, Individual*  
*Permits Unit*  
*Water Quality*  
*Division*



Jon Rezabek  
*Legal Specialist/*  
*Rule Writer*  
*Water Quality Division*



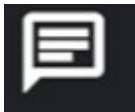
Diana Gutierrez  
*Environmental*  
*Hydrologist III,*  
*Water Quality*  
*Division*



Dan Reeder  
*Principal*  
*Hydrogeologist*  
*Water Quality*  
*Division*



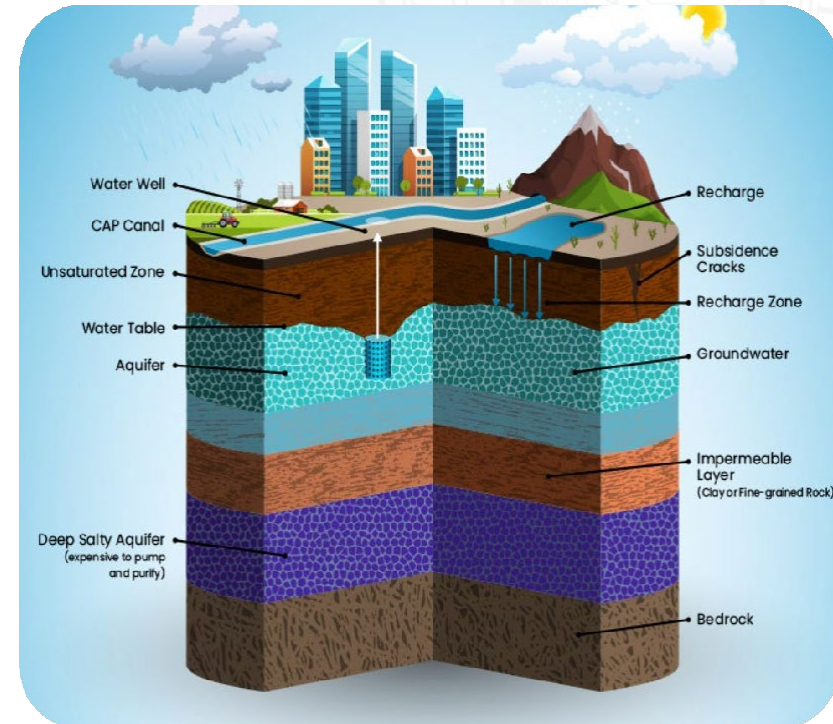
- What are Aquifer Water Quality Standards?
- Purpose of the Rulemaking
- AWQS Implementation Approach
- AWQS Rulemaking Timeline
- Online Resources
- Open Discussion



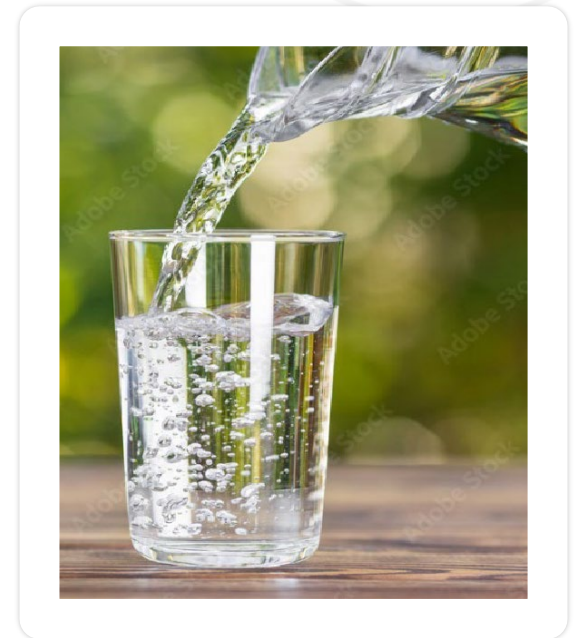
Please add all questions or comments by clicking the Chat icon in the lower right corner of your screen.



- What are AWQs?
  - maximum contaminant levels, established for aquifers in the state of Arizona for the protection of drinking water usage and public health.
- How are AWQs used?
  - Aquifer Protection Permits
    - WQARF
    - VRP
  - Remediation Programs
  - Underground Storage Tanks



- **Protect Public Health**
  - All AZ aquifers protected for drinking water use
  - Groundwater used as a drinking water source by municipalities and private well owners
- **Legal Requirement**
  - A.R.S. § 49-223(A)
- **Auditor General Finding**



# What Standards Need to be Updated?

<b>Pollutant</b>	<b>AWQS</b>	<b>MCL</b>
Arsenic	0.05 mg/L	0.01 mg/L
Bromate	None	0.01 mg/L
Chlorite	None	1 mg/L
Haloacetic Acids	None	0.06 mg/L
Microbiological Contaminants	A.A.C. R18-11-406(F)	40 CFR 141.63(C)
Total Trihalomethanes	0.1 mg/L	0.08 mg/L
Uranium	None	30 µg/L

**Issue** - the current Statutes and Rules lack clarity on how the Agency will implement new standards, when they take effect and who they apply to. Rules allow for permits to be amended in two ways (A.A.C. R18-9-A211(A));

- 1) Director's initiative OR**
- 2) Applicant initiative**

*Regardless of who initiates the amendment to incorporate new standards, ADEQ finds Rules to be insufficient in outlining clear expectations for it's permittees to comply with when standards change.*



**Proposal** - New Rule defines what permittees can expect for implementation of the AWQSs, including:

## 1) Requirements for existing permits

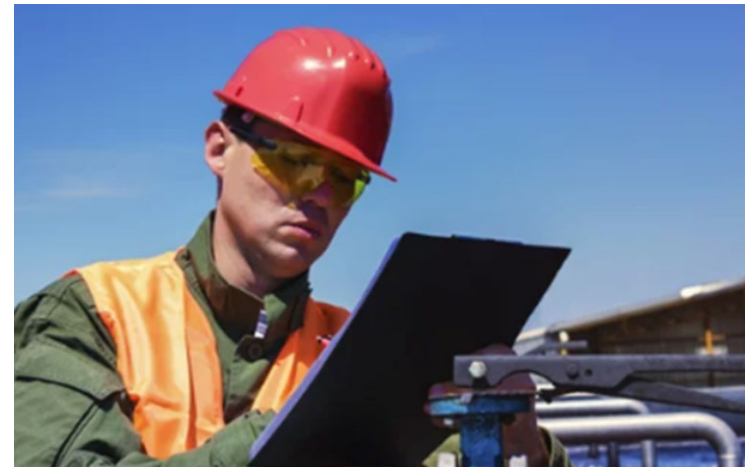
- a) Mandatory monitoring upon standards' effective date
- b) Sampling frequency, duration, and reporting frequency
- c) APP amendment schedule under the Director's Initiative
- d) Post monitoring period, demonstrated ability to comply with new or adjusted AWQS based on site specific demonstration(s)
- e) Incorporation of new or adjusted permit limits occurs upon permit amendment
- f) Compliance with new AWQS or adjusted AQL's no later than 4 years after the effective date.

## 2) Requirements for new permits

- a) Monitoring of new standards either;
  - i) upon issuance of a new permit, or
  - ii) in accordance with other permit conditions, as applicable

Requirements of an existing or new permittee will vary based on whether a facility has required groundwater monitoring, discharge monitoring or both.

- 1) Short-term, **initiate baseline sampling and monitoring frequency for the 7 new AWQS upon the effective date** via rule requirements.
- 1) Long-term, amend sampling requirements **through permit requirements, compliance schedule items and based on baseline sampling results.**



**ADEQ plans to implement the newly established AWQSs, or adjusted AQL's or DL's as applicable, into Aquifer Protection Permits (APPs).**

**Two primary industries will be involved in the implementation of the new AWQS:**

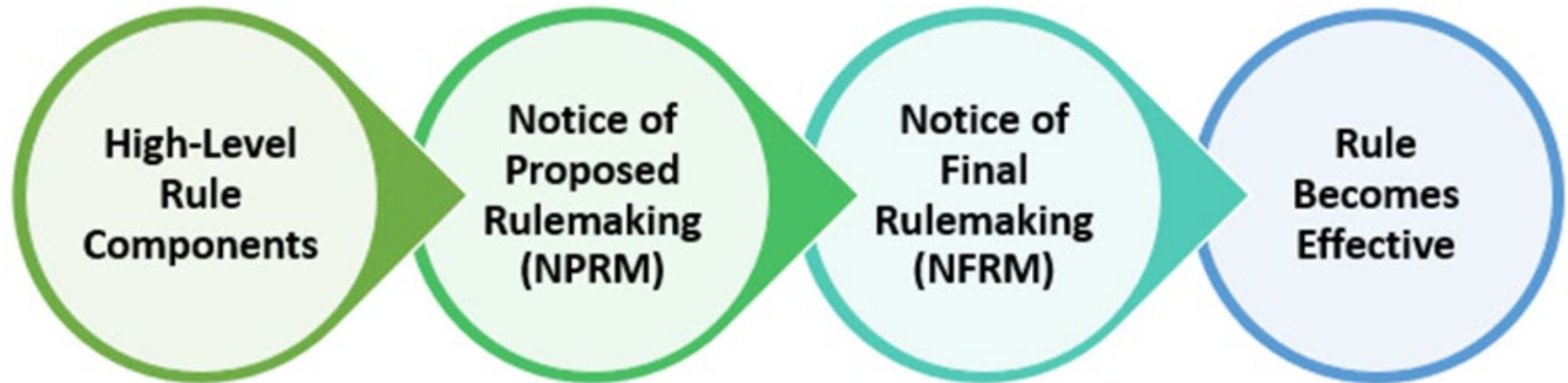
- **Mining**

- Long-term and in most instances, the Department expects that only 2 of the 7 new AWQSs will be applicable to Mining Operations; Arsenic and Uranium.

- **Wastewater Treatment Facility (WWTF)**

- Long-term and in most instances, the Department expects that all 7 of the new AWQSs will be applicable to WWTF operations.

Regardless of industry type, ADEQ will consider historical discharge data, historical groundwater data, site conditions and geogenic vs. anthropogenic source(s) to inform the establishment of Discharge Limits (DLs) or Aquifer Quality Limits (AQLs) at or above the new AWQSs.



- Draft informal high-level rule components
- Stakeholder & Tribal Listening Session on AWQS Implementation Approach
- Voice of the Customer
- December, 2023/**
- January, 2024**

- Draft the Notice of Proposed Rulemaking (NPRM)
- 30-Day Comment Period on Draft NPRM Components (Preamble)
- Conduct Stakeholder and Tribal Listening Session
- Finalize NPRM
- File NPRM with SoS
- January/February, 2024**

- Public comment period
- Public Hearing
- Draft Notice of Final Rulemaking (NFRM)
- Finalize NFRM
- Submit to the Governors Regulatory Review Council (GRRC)
- File NFRM with SoS
- March/April, 2024**

- Secretary of State Publishes NFRM
- May/June, 2024**
- Rule becomes effective approximately
- September 1, 2024**

- **Rulemaking Webpage**

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

- **Rulemaking Fact Sheet**

- <https://static.azdeq.gov/wqd/rulemaking/awqs/fs.pdf>

- **Rulemaking Resources**

- <https://old.azdeq.gov/node/9545>

- **Rulemaking Notice of Docket Opening**

- 29 A.A.R. 1478
- [https://apps.azsos.gov/public\\_services/register/2023/26/contents.pdf#page=56](https://apps.azsos.gov/public_services/register/2023/26/contents.pdf#page=56)





- This presentation will be posted on the ADEQ webpage at:  
<https://www.azdeq.gov/rulemaking/awqs-update/resources>
- The AWQS Implementation Approach will be posted on the ADEQ webpage:  
<https://www.azdeq.gov/awqs-update-active-rulemaking>
- There will be stakeholder email sent out soon with a link to the Approach as well.
- Two week comment period.
- Please send your comments to: [awqs@azdeq.gov](mailto:awqs@azdeq.gov)

# Contacts:

- Randall Matas, WQD Deputy Director  
[matas.randall@azdeq.gov](mailto:matas.randall@azdeq.gov)  
(602) 615-2306
- Rhona Mallea, AWQS Project Manager  
[mallea.rhona@azdeq.gov](mailto:mallea.rhona@azdeq.gov)  
(602) 771-4492
- Jon Rezabek, AWQS Rule Writer  
[rezabek.jon@azdeq.gov](mailto:rezabek.jon@azdeq.gov)  
(602) 771-8219
- Len Drago, Tribal Liaison  
(602) 771-8219, [drago.len@azdeq.gov](mailto:drago.len@azdeq.gov)

Questions?



---

Clean Air, Safe Water,  
Healthy Land for Everyone

---