

Draft New & Adjusted AWQS Implementation Plan and Timeline

In the near future, ADEQ will be establishing or adjusting at least seven (7) Aquifer Water Quality Standards (AWQSs) in rule (*see* A.A.C. R18-11-406) pursuant to A.R.S. § 49-223(A). On December 13th, 2023, ADEQ held a stakeholder meeting where a draft implementation plan was presented (*see* Stakeholder Meeting Presentation [here](#)). The plan outlined an initial, high-level approach to implementing the proposed AWQSs into existing individual Aquifer Protection Program (APP) permits, including monitoring and a timeline for amendments. The plan proposed an implementation rule be established in the *Arizona Administrative Code*, under Title 18, Chapter 9, Articles 1 and 2. In addition to reading on for more details, please review the draft rule that accompanies this implementation plan and schedule.

Generally, the draft rule requires all active, individual APP permittees to initiate discharge and groundwater monitoring (“baseline monitoring”) and reporting of the new or adjusted AWQSs upon their effective date, as applicable. There is a provision (*see* Subsection F of draft rule) for demonstrating that a new or adjusted AWQS is unlikely to be in a facility’s discharge. Otherwise, the draft rule requires monitoring at discharge monitoring points and groundwater monitoring “Points of Compliance,” depending on the monitoring required in each individual permit, for all new or adjusted AWQS.

Discharge monitoring would occur for a period of at least one year at a monthly frequency, unless otherwise specified by the Director. Groundwater monitoring will occur for two years at a quarterly frequency, unless otherwise specified by the Director. The intent of the baseline monitoring is to characterize a facility’s current discharge and groundwater quality with respect to the pollutants with newly established or adjusted AWQSs. Once a data set is developed, ADEQ will use that data to determine which of the new or adjusted standards are relevant to the facility; and, if relevant, use the data to set Alert Levels (AL), Discharge Limits (DL) and Aquifer Quality Limits (AQL) in the permit via an amendment, as necessary, pursuant to A.R.S. §§ 49-223, 49-243, A.A.C. R18-9-A205, etcetera.

In accordance with subsection A of the draft rule (which would be codified at R18-9-A215), ADEQ proposes to release an annual schedule after a new or adjusted AWQS becomes effective which details the permits selected for amendment for the purpose of AL, DL and AQL setting, pursuant to A.R.S. §§ 49-223, 49-243, A.A.C. R18-9-A205, if necessary. This amendment schedule would utilize the authority to amend permits under R18-9-A211, referred to as the “Director’s Initiative.” ADEQ would engage with permittees to initiate this process. ADEQ would work with permittees to not disrupt the normal flow of necessary APP permit amendments and to optimize achievement of normal program administration along with the new and adjusted AWQS implementation plan and schedule.

To optimize and manage ADEQ resources optimally, the Department may ask scheduled amendment applicants nearing the completion of baseline monitoring to submit their application(s) at a later date. In the event an applicant cannot accommodate such a request, ADEQ would process applications as they are received.

Additionally, if a permittee can make a technical demonstration through discharge, groundwater or other characterizations in a compelling dataset, ADEQ may consider utilizing such data to inform monitoring and reporting requirements in an amended permit (*see* Subsections (B)(1), (D)(7)(vi) & (F)). Such demonstrations may be initiated in advance of the baseline monitoring period.

Based on an initial projection of an AWQS rule effective date of around September of 2024, ADEQ has created a preliminary timeline representing the implementation plan and schedule below:



Quarter 4	Quarters 1 through 4	Quarters 1 through 4	Quarters 1 through 4	Quarters 1 through 4	Quarters 1 through 4
Rule Becomes Effective Pre-4Q	Ongoing Baseline Monitoring	Ongoing Baseline Monitoring	Phase 2: Amendments:	Phase 3: Amendments:	Phase 4: Amendments:
Baseline Monitoring is Initiated			- High-risk facilities that have completed baseline monitoring	- Medium Risk facilities that have completed baseline monitoring	- Low Risk facilities that have completed baseline monitoring
Phase 1: Initiate Amendments					
- Mining facilities with As and U data					
- WWTP w/only discharge monitoring					

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