

ADEQ Navigable Waters Protection Rule Screening Toolkit: Answering Your Clean Water Act AZPDES Permitting Questions

The ADEQ Navigable Waters Protection Rule (NWPR) **Screening Toolkit** should be applied by Clean Water Act (CWA) Arizona Pollutant Discharge Elimination System (AZPDES) permittees or potential permittees to assess which waters may be jurisdictional under the CWA.

The purpose of the Screening Toolkit and application of the tools are to assist you to identify whether your facility or activity needs a permit for discharge to surface water.

The Screening Toolkit applies the:

 U.S. Geological Survey StreamStats Flow (Raindrop) Path Tool | streamstats.usgs.gov/ss/

 ADEQ eMaps | azdeq.gov/FlowRegimes

You will need an AZPDES permit if your discharge is to a municipal separate storm sewer system (MS4) OR to a WOTUS by means of a conveyance. If you're not sure if you discharge to an MS4, ask your local municipality.

When Is a CWA Permit Needed?

Can you trace flow to a known TNW using the flow tracing tools? **NO** → No CWA Permit Needed

YES

Does the trace show only *known* perennial or intermittent waters? **YES** → CWA Permit Needed

NO

At least 1 reach is an unknown or ephemeral flow regime, or there are categorical non-WOTUSs in the flow path.

Analysis with Evaluation Tools at azdeq.gov/ScreeningToolkit

Risk Assessment

You May Choose CWA Permit Protection

More Information is available at azdeq.gov/ScreeningToolkit.

ADEQ understands customers may have questions or need assistance in applying these tools for their facility. We can help! Contact us at AZPDES@azdeq.gov.

If you have questions about your specific situation, you are encouraged to seek legal advice from a licensed attorney, who can help you avoid potential pitfalls. For example, a recent U.S. Supreme Court case held that indirect discharges through groundwater may require a permit when certain requirements are met. Additionally, some discharges to channelized conveyances that are not WOTUS may still require a permit when a discharge is conveyed through the channel to a WOTUS. Lastly, states and organizations across the country have challenged the NWPR and legal uncertainties remain.

For translations or other communications aids, please email the Title VI Coordinator at idb@azdeq.gov.

Para traducciones u otras ayudas de comunicación, envíe un correo electrónico al Coordinador del Título VI al idb@azdeq.gov.