



Surface Water Talks

August 5, 2021

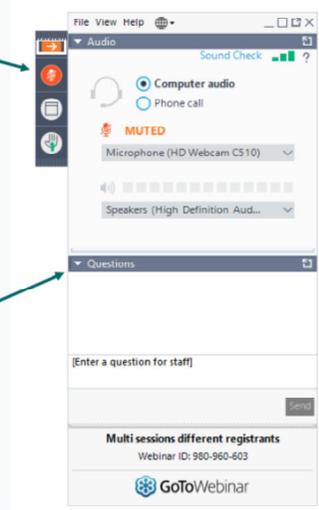


Online Tools

Muted

Not
Recording

Use the
Question Tool



David Lelsz

- Brief on the Got To Meeting Tools
- Transition back to Justin Bern, VSM of the SWPVS

Today's Agenda

Permitting

- General Permit Mods
- Individual Permit Revisions

Inspections

Assessment and Standards

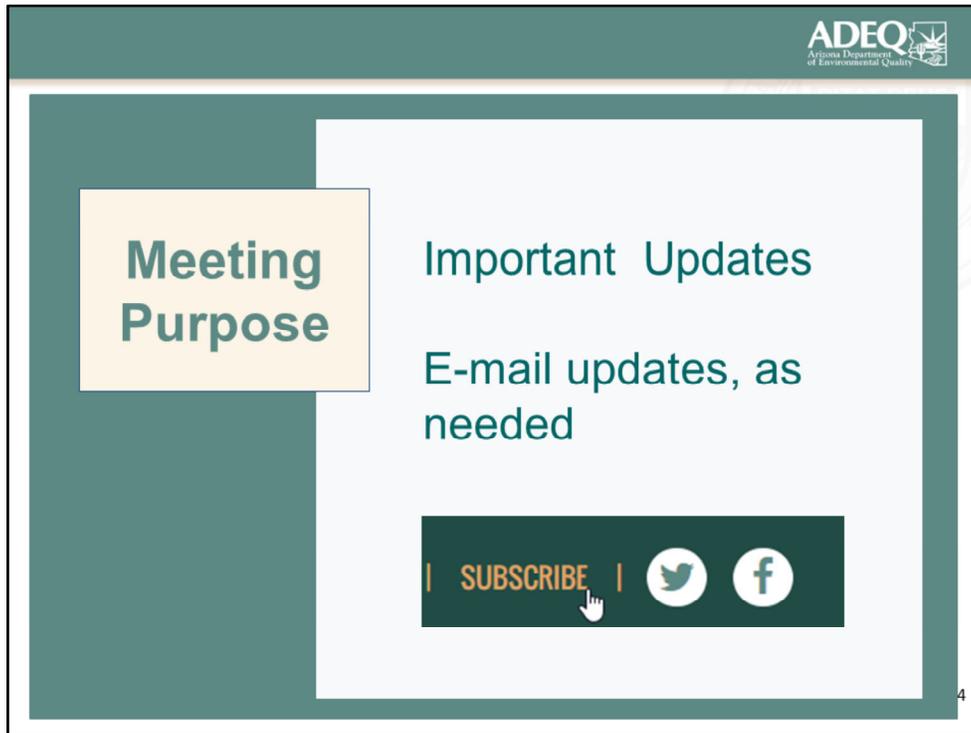
SWPP Rulemaking

Q and A

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Justin Bern

- Welcome
 - Justin Bern VS for the SWPVS here in the WQD at ADEQ
 - More than 300 people on today!
- Introductions first
 - David Lelsz, Water Quality Division Program Manager, all things Surface Water Protection Program Implementation
 - Chris Montague Breakwell... AZPDES permits unit manager and status of State program on general and individual permits
 - Leigh Padgitt... the AZPDES compliance and enforcement unit manager updates on virtual and in-person inspections and implications of WOTUS/SWPP
 - Erin Jordan, Manager of the SW quality Improvement and planning VS will provide updates on standards and assessment and wotus evaluations
 - Jonathan Quinsey, Legal Specialist - Overview of rulemaking process for the new Surface Water protection program
- Purpose of this session
 - Up to date on developments for both value streams



Justin Bern

- The primary tool that we will use to communicate will be our email system, commonly referred to as e-Gov Delivery
- Navigate to our web page at A Z D E Q dot G O V, and click the subscribe button at the bottom of the page
- Subscribe either to the WOTUS (W O T U S) or Waters of Arizona topic to stay up to date
- Transition to Chris Montague Breakwell



General Permit Mods

Updated with State Program language

No change to the “how” of permit implementation

Target date: End of August

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Chris Montague-Breakwell

- Six general permits were put out for public notice in June, closing July 30. Four general permits for modification and two for reissuance. The proposed changes are necessary to implement the new state law, authoring discharges of pollutants into those waters on the Protected Surface Water List.
- For five of the six general permits, this update does not change how you comply with the permit. How you will implement the CGP, MSGP, Mining MSGP, DMGP, and PGP remains the same so that existing permittees need make no change.
- For the small MS4 permit reissuance, there are both substantive changes and changes to make it compliant with the new state water protection law.
- We hope to finalize all permits by the end of this month but not make it effective until the new state law is also effective. So the effective date will for the permits will be Sept 29.

General Permit Mods

No reapplication for:

- CGP
- MSGP
- Mining MSGP
- DMGP

Reapplication **required:**

- PGP
- Phase II MS4

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Chris Montague-Breakwell

- What does this mean for existing permittees?
- Four general permits are out for modification and need no reapplication: the CGP, MSGP, Mining MSGP, and DMGP. If you have current coverage under any of these permits, no action is required--you remain covered.
- The PGP and Phase II MS4 both will require new applications, as detailed in the permits. This is because those permits are being reissued. All our permits must be reissued in five year intervals and it's time for these to be reissued.

**Individual
Permits
Revisions**

Some individual permits
need modification

ADEQ is proactively
reaching out to those
who need permit
modification

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Chris Montague-Breakwell

Some existing individual permits must be modified because of the new state law. We're proactively reaching out to those customers who need that permit modification. The change is driven by the need to authorize discharges into non-WOTUS PSWs, something a federal permit will not cover. So we're modifying the 8 phase I MS4 permits to authorize discharge to non-WOTUS PSWs.

ADEQ
Arizona Department
of Environmental Quality

**Outstanding
Arizona
Waters**

General permits
modification includes
clarification on OAWs

No new discharge to
OAWs

Dischargers upstream of
OAWs may have
enhanced requirements

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Chris Montague-Breakwell

- We're also seeking to clarify requirements regarding OAWs. State regulations prohibit new discharges to OAWs, and additional requirements may apply if you're upstream of an OAW but in close proximity to it. Our permits have always incorporated those requirements. These aren't new requirements; we're simply trying to clarify existing requirements.
- Transition to Leigh Padgitt, Unit Manager of the SW Protections Inspections and Compliance Unit



Inspections

Routine and complaint

Common findings

- include non-discharging with coverage

Enforcement discretion

- compliance rate
- follow-up inspections being scheduled onsite

Feedback loop

- SWP Permits

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Leigh

We are becoming more active and doing mostly onsite. OECA substitution expires in September; we will still utilize virtual inspections in our toolbox, though.

Conducted 483 inspections, 321 since March. 95% were virtual (biosolids applicator, collection system, SIU, PCA were onsite)

Construction was most common type (237), included coverage without direct identification of WOTUS

If deficiencies found, run wotus tool, choose - compliance assistance or notice; sometimes we involve permits to assess applicability.

Permits may follow-up with SWQIP to assess or reassess PSWL

Which brings me to the next speaker, Erin Jordan, VS of the SW Improvement and Planning Value Stream

Assessment
Update

Combined 2018/20/22
Assessment

Due April 1, 2022

WOTUS evaluations are part of
the Assessment



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Erin Jordan

Thank you. As noted in our last meeting, the next water quality assessment of Arizona waters is due to the EPA by April 1st of 2022. With EPA approval we are combining the 2018, 2020 and 2022 assessment. The 303(d) list of Impaired Waters will be part of the report package containing the assessment. The combination of the list and assessment is called the Integrated Report. The entire report will be available for public comment prior to submitting to the EPA. With the Navigable Waters Protection Rule, we are currently evaluating waters for WOTUS or non-WOTUS status and discussing the results with both the EPA and Corps of Engineers when needed for additional clarity. We are also discussing what will be needed if there the NWPR is repealed prior to the assessment being submitted. There is still quite a bit of work to be done and I will keep you updated in these meetings as we progress in putting the report together.

Standards
Update

EPA comments on 2019
Triennial Review delayed

Future TR timeline?



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Erin Jordan

ADEQ has not yet received comments from the EPA on the 2019 Triennial Review package. We have been told the EPA is close to finishing the review of the human health standards and is currently in consultation with the U.S. Fish and Wildlife service for the aquatic and wildlife standards. I hope to have an update for you in our next Water Talks Session, but that will be based on when we receive the EPA comments and are able to thoroughly review them. With EPA agreement, ADEQ is delaying scheduling the next TR until comments are received from the 2019 Triennial Review.

- Transition to Jonathan Quinsey, Legal Specialist

SWPP
Rulemaking



Rulemaking moratorium
exemption received June
30

Stakeholder engagement
planning underway

Kick-off, Aug 26, 1-3

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Jon Q

- ADEQ is beginning the steps to implement the required rulemakings from HB2691, Arizona's new surface water protection program.
- We received an exception from the rulemaking moratorium from the governor's office on 6.30
- We recognize that there has been a lot of interest in the new state surface water protection program.
- We're excited about engaging with stakeholders and we're putting together a plan for that engagement.
- ADEQ is going to have a kick off meeting on Aug 26, Invite to be sent next week at the earliest. We want to focus today on other elements of the program in the talks today.
- If you're interested in being updated on the rulemaking, please reach out to David Lelsz after the meeting.
- Transition back to D Lelsz



Questions?

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Program Manager

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David Lelsz

- Facilitate Q and A

Evaluation!

Webinar was a valuable use of my time

Clear and understandable information was presented

Information was useful and helps me better understand ADEQ's priorities

ADEQ has a good plan and are sufficiently addressing upcoming federal and state changes

These updates provide added value to stakeholders and should be continued

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David Lelsz

- Auto email from GTW with survey questions sent at close of webinar to all participants.