

Question Asked Date/Time	Question Asked	Answer Given
02:00:54 PM MST	Will a copy of this webinar be available?	Slides have already been posted on the website: Link in the Chat <a href="http://www.azdeq.gov/node/8173">http://www.azdeq.gov/node/8173</a>
02:11:37 PM MST	For Chris MB, why do some permits require a change to the receiving water if the discharge location doesn't change?	
02:12:26 PM MST	Ephemeral and Intermittent are scientifically speaking the exact same thing. So how is that both a Shall NOT and May?	
02:12:38 PM MST	If WOTUS are "shall" and ephemerals can now be WOTUS but are "shall not," how will ADEQ reconcile this conflict?	
02:19:16 PM MST	How is the WOTUS definition different from the one that was being used to the 2015 version?	
02:20:04 PM MST	Will new rules allow dumping into ephemeral waters (washes)?	
02:20:21 PM MST	Has ADEQ developed the forms to apply for a PSW determination?	
02:20:23 PM MST	So we have a project that should be getting a grant from FEMA within the next few weeks. It would disturb the channel of an ephemeral cross national border stream (flowing in from Mexico). Will there be any changes in permitting for that? The nearest reach of previously designated WOTUS is at least 12 miles down stream.	
02:21:21 PM MST	I submitted comments on the draft general permits... will I receive a response letter from ADEQ?	Yes, everyone who commented will get a Response to Comment from ADEQ.
02:22:10 PM MST	Its for a detention structure, with about 12 acres of disturbance in the floodplain.	
02:24:57 PM MST	What was the HB he just referenced?	
02:24:57 PM MST	AZPDES permit that were canceled due to not reaching WOTUS, will it result in the AZPDES permit?	

02:25:47 PM MST	How will conflicts between HB2691 and the pre-2015 rule be resolved?	
	Have you all read the auditor general's report? How will ADEQ meet the requirements of this program when it is already not meeting Clean Water Act requirements? Are you concerned about losing delegation? Will this law and associated rules increase the chances that you lose delegation?	
02:26:36 PM MST		
02:27:06 PM MST	For Jonathan: An ephemeral water that is a WOTUS will be on the state PSLW despite the "shall not list" status of ephemeral waters, correct?	
02:27:14 PM MST	Thank you	Do you mean the Red Rock facility?
02:27:17 PM MST	2691?	
02:27:23 PM MST	Available science suggests that ephemeral water can contribute to aquifer recharge and maintenance of habitat - any room for extending management/protection for these purposes?	
02:27:31 PM MST	LOL	
02:27:45 PM MST	if the permit had been canceled and they need an AZPDES permit, are they going to be charged again?	
02:28:10 PM MST	How long will a determination that ADEQ makes concerning a non-Protected Surface Water will remain valid?	
02:28:30 PM MST	Please give an example of a perennial or intermittent stream that would not be a WOTUS.	
02:30:01 PM MST	How will ADEQ determine which ephemerals are now considered WOTUS since the rule has changed back? It is not clear which ephemerals are considered WOTUS and which are not?	
02:30:44 PM MST	To follow up on an answer Erin Jordan provided earlier: what scientific source or sources is ADEQ looking to in order to distinguish between ephemeral and intermittent waters?	

02:33:44 PM MST

yes

If ephemerals that were listed on App B will be considered WOTUS. Will a table be added back to the DMGP for discharges to ephemerals? I

02:34:12 PM MST

think this was table A in the 2016 DMGP.

When ADEQ issues a no discharge certificate for a project (CGP), does ADEQ assume enforcement responsibilities for construction and post construction activities?

02:34:15 PM MST

Can you plz post in the chat a link to the USGS information/ADEQ Erin mentioned.

02:34:56 PM MST

On the toolkit page: <https://www.azdeq.gov/node/7558>

I'd like to tag onto that question, in the poast ADEQ received AZPDES primacy then said they did not have the staff to apply site specific standards to a permit. SO I am assuming that was the staffing question?

02:36:37 PM MST

Could you elaborate?

We have delt with this with the ACOE, but we have had problems with consistancy. In other words we looked at the guidance the Corps said to look at and followed it, only to be told that the guidance does not matter. So we decided to go back to the actual Clean Water Act, but then was told that the law did not matter either. So with that background, when can we expect guidance and guidelines that will be usable and consistant with the regulatory requirements?

02:37:40 PM MST

WHen ADEQ first took over NPDES primacy, part of the sale of that to EPA was that they knew the state waters and could apply the standards as appropriate to specific sites. That did not happen, when questioned ADEQ stated they did not have the staff to do that.

02:39:18 PM MST

Pre-2015 the Corps of Engineers based most of its determinations on preliminary jurisdictional determinations (PJD). These are not official determinations on the jurisdictional status of an ephemeral feature, just a mechanism that allowed an applicant to proceed with a permit action. To receive an official determination on the jurisdictional status of an ephemeral drainage (i.e., WOTUS or Not WOTUS) a significant nexus evaluation was required. Will ADEQ require a JD with a significant nexus evaluation?

02:39:24 PM MST

02:39:34 PM MST

TY

02:40:23 PM MST

So is it the Corps or ADEQ that will be doing the permitting? Jordan's answer confused me. It sounds like ephemeral WOTUS will not be identified in the Initial PSWL - is that what was meant by not adding things that were not in Appendix B?

02:40:28 PM MST

02:40:33 PM MST

Thank you for all of your hard work! Based on prior interactions with ADEQ I'm confident that you will continue to implement WOTUS rules fairly and correctly. I have no questions at this time and look forward to working with you.

Thank you!

02:41:07 PM MST

a recall quote "we do not have the staff to apply standards to individual sites" it wasn't about technical capability.

02:41:28 PM MST

If a facility received an Army Corps AJD delineating a water as non-WOTUS/non-jurisdictional under the NWPR, my understanding is that the AJD should be good for 5 years, regardless of this WOTUS definition change. Does ADEQ concur?

02:41:35 PM MST

Are you planning on having a "Consultation" program for participants to determine if the PSWR is applicable to a project.

02:42:25 PM MST	Absent a significant nexus analysis, should one presume that a perennial or intermittent stream is a WOTUS.
02:47:24 PM MST	Could a link to Appendix B be shared?
02:48:03 PM MST	Thank you for all the information!
02:48:06 PM MST	To be clear, if the current EPA;s definition of a WOTUS is the same as the 2015 definition and not HB2691. I assume ADEQ would have verified whether the facility required a APZDES permit pre HB2691, and I would therefore assume the initial evaluation would still be correct and not the HB2691 definition.
02:52:42 PM MST	Who is the best contact for understanding which waters might require an NOI under the PGP?
02:52:44 PM MST	I am not finding the draft WOTUS map is that still on your web site? <a href="http://www.azdeq.gov/SWPP">http://www.azdeq.gov/SWPP</a>
02:52:46 PM MST	Preliminary Jurisdictional Delineations issued by the Corps pre-2015 are not official determinations of WOTUS. PJDs are an agreement between an applicant and COE that and ephemeral water "may" be WOTUS. With Vacatur we are once again working with PJDs. How will ADEQ resolve this conflict when identifying what ephemeral washes are WOTUS subject to ADEQ regulations?
02:53:47 PM MST	When will the 2021 Small MS4 permit be out? (Sorry if this was already answered - audio problems on my end.) Thank you!
02:53:55 PM MST	What is the timeframe goal for that list?
02:54:04 PM MST	Thank you
02:54:51 PM MST	For all ADEQ team: - Thank you for holding these informational meetings. The transparency is appreciated very much!

the last person (now a couple comments ago) may be asking whether adeq has made a determination through permitting for every water in the state as to whether it is a wotus or not. adeq hasn't specifically identified all pre-2015 wotus, as some are unnamed tributaries that still have applicable standards R18-11-105 (so not all wotus are listed in appendix b)

02:54:58 PM MST

If facility previously discharged to ephemeral that is not a Protected State Water, is a general permit required.? If already answered, please disregard.

02:57:10 PM MST

02:58:38 PM MST

This link is to emap not appendix B

02:58:50 PM MST

yes thank you all for your time and info.

02:59:43 PM MST

[https://apps.azsos.gov/public\\_services/Title\\_18/18-11.pdf](https://apps.azsos.gov/public_services/Title_18/18-11.pdf)

Suoerstar!,Superstar!

02:59:45 PM MST

[https://apps.azsos.gov/public\\_services/Title\\_18/18-11.pdf](https://apps.azsos.gov/public_services/Title_18/18-11.pdf)

03:00:17 PM MST

Are all ephemeral WOTUS now are does State consider significant nexus?

03:01:11 PM MST

Thank you!

03:01:26 PM MST

can you say that again johnathan

03:01:58 PM MST

not all wotus are in appendix b

03:02:39 PM MST

I think you should not say that App B was WOTUS determinations. Your own 2019 rulemaking says the opposite.

03:02:41 PM MST

Before the final PSWL is out, if there is not a determination on an ephemeral water, is an assessment needed? Would that assessment be made by ADEQ or the Corps?

03:06:26 PM MST

How does this effect builders?

03:06:34 PM MST

haven't some past wotus jurisdictional determinations been made through permit decisions and not just appendix b?

Could you provide us with an organization chart for all staff that are associated with surface water protection? We are confused on who reports to whom.

03:08:11 PM MST

Just to confirm, if a facility previously had a general permit and terminated coverage, will ADEQ review to determine if a new permit is required now or will it be the responsibility of the facility?

03:10:45 PM MST