

# ADEQ 2017 Triennial Review Antidegradation and Effluent Dependent Waters Workgroup

Meeting #4

January 22, 2018

ADEQ Phoenix Office

11:00 – 12:30 Room 5210D

- Review topic discussions
  - Consensus reached on Topics 1, 2 and 3?
  - Additional discussion on Topics 4 and 5
- Writing assignments for deliverable
- Remaining workgroup timeline



Is the current Antidegradation Rule consistent with Federal Clean Water Act. If not, what changes should be made to correct the inconsistencies?

- Outcome: Group feels that the rule is consistent with federal CWA
- Rationale: EPA approved ADEQ's Surface Water Quality Standards in 2016 and raised no objection to Antidegradation Rule post EPA's 2015 Water Quality Standards Rule
- Action item(s): ADEQ will draft short summary for workgroup report out

ADEQ is proposing that Baseline Characterization section (R18-11-107.01 (B)(3)(c)) be renumbered to R18-11-107.01 (B)(2) with the subsequent sections being renumbered. Do work group members anticipate any adverse impacts or risks associated with this change?

- Outcome: Group believes that renumbering current Baseline Characterization language to 3(a) from 3(c) would be appropriate rather than renumbering it to (B)(2)
- Rationale: Renumbering the section will allow for the rule to follow the logical steps required under a Tier 2 Antidegradation Review
- Action Item(s): ADEQ will draft short summary for workgroup report out

ADEQ is proposing that the temporary impacts to OAWs language found in R18-11-107.01 (C)(4) be moved to its own section (5) and clarify that the temporary impacts cannot be “regularly occurring”. Do work group members anticipate any adverse impacts or risks associated with this change?

Outcome: Group agreed that “not regularly occurring” should be added to the language proposed as the new section C(5).

Rationale: Placing temporary impacts in its own section would allow ADEQ flexibility to allow for temporary impacts for non 404/401 activities should they be deemed necessary. The “not regularly occurring” addition clarifies how temporary is defined.

Action Item(s): ADEQ will draft short summary for workgroup report out

How can the definition of an “effluent dependent water” (EDW) (R18-11-101 (17)) be changed to provide greater clarity to its applicability?

Additional discussion needed:

Any changes needed to the EDW definition?

Last discussion centered upon language in R18-11-113(d) and (e)- not in scope of charter

Should (d) be changed from “shall” to “may”? What impacts to (e) would this have?

Is the language in (e) sufficient in clarifying ADEQ’s discretion in applying EDW standards?

Is (d) even required given (e)?

Does the definition of “wastewater” (R18-11-101 (48)) clearly limit the applicability of an effluent dependent water? If not, how should the definition be changed?

Previous discussion focused on the fact that current definition is by exclusion. There were a few suggestions to clarify the definition-  
“sewage treatment facility”, “treated water from a wastewater treatment plant”

Additional Discussion needed:

Suggestion: Wastewater means treated water released from municipal or industrial water treatment plants but does not to include:

- a. Stormwater,
- b. Discharges authorized under the De Minimus General Permit,
- c. Other allowable non-stormwater discharges permitted under the Construction General Permit or the Multi-sector General Permit, or
- d. Stormwater discharges from a municipal storm sewer system (MS4) containing incidental amounts of non-stormwater that the MS4 is not required to prohibit.

- Due dates for writing assignments?
- Tuesday January 30- next meeting, is this too soon? Should we wait for summaries and share via email?