



ADEQ 2017 Triennial Review Surface Waters and Designated Uses (Appendix B) Workgroup

November 17, 2017



- Welcome & Introductions
- Objectives for meeting:
 - Problem statement
 - Workgroup charter
 - “Deliverable” & deadline
 - Schedule of meetings
 - Project scope & Workgroup items
- Initial input by Members



Why Workgroups?

- Early input from a broad spectrum of stakeholders on key anticipated rule updates
- Workgroups will provide recommendations to ADEQ; all rule revisions will still go through the full public review process
- Workgroups are purposely smaller groups that can focus on specific charter goals and produce recommendations in a short time frame

Purpose:

- Public record of designated uses for streams, lakes, wetlands, springs and canals in Arizona
- Dictates which water quality criteria/standards apply to surface waters
- Lists designated uses (DWS, AgI, AgL) not provided by the Tributary rule (A&W, FBC/PBC, FC)
- Record keeping for designated uses of special waters (eg. OAW, AZPDES permitted, impaired)
- Record keeping of decision making over time

- **Problem:**
 - Current Appendix B list of waterbodies is incomplete and designated uses need to be updated

- **Scope:**
 - Call for updates to Appendix B list of waters & designated uses
 - Discussion of federally promulgated Fish Consumption use
 - Discussion of Tributary rule

Arizona Department of Environmental Quality: Appendix B Workgroup Charter

Value Proposition:

- ADEQ is undergoing a review of its Surface Water Quality standards, commonly referred to as a Triennial Review of Surface Water Quality Standards. ADEQ sees these rule revisions as a positive means to further enhance Arizona's unique environment and support environmentally responsible economic growth.
- Specifically under this Charter, ADEQ requests this workgroup to provide technical recommendations that ensure that the Appendix B list of surface waters and designated uses are updated and correct for the revision of the Water Quality Standards in 2018.
- In implementing its mission to protect and enhance public health and the environment, ADEQ strives for radical simplicity, nationally recognized technical and operational excellence, and balanced, leading-edge environmental protection. Please allow this vision to guide the workgroup's recommendations developed under this Charter.

Charter Member Structure and Procedural Operation:

Member Structure. The workgroup should have between 6 and 10 members, including the ADEQ chair, Patti Spindler. The chair and the ADEQ Water Quality Division Director shall mutually agree on the number, designation, mission, scope, and membership of this workgroup and any changes. Table 1 below shows the initial member list.

Name	Affiliation	Role
Patti Spindler	ADEQ	Chair
Jason Sutter	ADEQ	Co-Chair
Sandy Bahr	Sierra Club	Member
Julia Fonseca/Jim Dubois	Pima County	Member
Scott Thomas	Fennemore Craig	Member
John Meyer	City of Mesa	Member
Hilary Hartline	City of Phoenix	Member
Jim Kudlinski	SRP	Member
Lee Decker	AZ Mining Association	Member
Justin Bern	City of Tempe	Member
David Weedman	AZ Game & Fish	Member

External Review or Consultation. Although participation in the workgroup is by invitation, members are free to consult with external entities but are expected to meet agreed upon workgroup deadlines.

Changes to Workgroup Membership. If either the ADEQ Water Quality Director or the chair are concerned about the commitment, behavior, or performance of a workgroup member, the two should consult to determine appropriate action, which may include replacement of the member.

Withdrawal from Workgroup. A member may withdraw from the workgroup at any time.

Good Faith Commitment. ADEQ recognizes and appreciates that workgroup members are experts in their field and are volunteering their valuable time. It is expected that workgroup members will participate in good faith throughout the process.

Decisions/Consensus. Ideally, the workgroup will be able to operate on a consensus basis. If a consensus cannot be reached, ADEQ will determine the contents of the final deliverable.

For the sake of the record and to make certain that ADEQ fully understands all sides of the issue, the chair will ensure that any opposing opinions are summarized in a written explanation of the reasons for disagreement. These explanations will be included in the final deliverable of the workgroup.

Internal Workgroup Review. A draft of the deliverable will be provided to all workgroup members for review and comment before the deliverable becomes final.

Records. Members shall keep record of sources referenced in discussions. This is to ensure that ADEQ can confidently draft the preamble to the rule and defend it should the need arise. Minutes for all meetings shall be kept. The chair will consult with ADEQ, on a meeting by meeting basis if needed, to determine whether this responsibility will be performed by an ADEQ staff person or a member of the workgroup or other person assigned by the chair. ADEQ will make minutes and agendas publicly available on its website.

Meeting Number and Frequency. The chair and workgroup members will decide the meeting number and frequency required to complete the deliverable within the assigned timeframe.

Meeting Locations. ADEQ anticipates that the majority of the meetings will be conducted using a Web based application. In the event that in-person meeting are requested or necessary, ADEQ can provide space in its own facilities for meetings in Phoenix or Tucson. If the workgroup meets at another location, meeting arrangements and teleconference tools are their responsibility.

Member Responsibilities:

Workgroup Member Responsibilities. Members should make every effort to attend all meetings in person or electronically. Members represent their affiliations and bring their special expertise to the table. Full participation is needed to ensure all affiliations and expertise are represented, all viewpoints are voiced, and decisions are reached by consensus to the maximum extent possible. This will allow ADEQ to confidently proceed in developing a science-based rule revision that is fair, effective, defensible, and beneficial to the citizens of Arizona.

Workgroup Chair Member - Responsibilities. The chair should schedule meetings to ensure that he or she can attend and conduct the meetings. Housekeeping best meeting practices to keep in mind include:

- Establishing a workgroup timeline;
- Take roll for each meeting;
- Prepare and distribute meeting agendas;
- Moving the discussion forward to keep the agenda on time;
- Ensuring that the workgroup remains productive;
- Ensuring that all sides of an issue are explored, including hidden or unpopular aspects;
- Encourage participation;
- Assist the workgroup in reaching consensus and articulating issues where consensus is not possible;
- Assist workgroup members in preparing the deliverable; and
- Ensure that workgroup deadlines are met and the final report is delivered to ADEQ on schedule.

Deliverable:

ADEQ anticipates a sectioned report that answers the Project Scope questions below, including a list of all documents or other information reviewed to create the final report.

Timeframe:

ADEQ expects the workgroup to have its first meeting by November 14th, 2017, at the latest, and to deliver a reviewed and finalized report no later than January 12, 2018.

Project Scope:

1. How can ADEQ improve stream reach descriptions, lake categories, or designated uses to be more accurate?
2. Should ADEQ add lakes and streams that are “impaired” or have an AZPDES permit, but are not currently on Appendix B to Appendix B in order to provide clarity to the applicable designated uses? Are there additional waters that should be explicitly listed in Appendix B?
3. ADEQ is proposing the addition of federally promulgated Fish Consumption designated uses to be consistent 40 CFR 131.31, do members have any concerns regarding these additions?
4. How can ADEQ clarify the Tributary Rule (R18-11-105) to clearly define when a stream segment should have designated uses and subsequent surface water quality standards applied to it?

The following water quality standards apply to a surface water that is not listed in Appendix B but that is a tributary to a listed surface water.

1. The aquatic and wildlife (ephemeral) and partial-body contact standards apply to an unlisted tributary that is an ephemeral water.
2. The aquatic and wildlife (cold water), full body contact, and fish consumption standards apply to an unlisted tributary that is a perennial or intermittent surface water and is above 5000' in elevation.
3. The aquatic and wildlife (warm water), full body contact, and fish consumption standards apply to an unlisted tributary that is a perennial or intermittent surface water and is below 5000' in elevation.

- Proposed Final Deliverable:
 - January 12, 2018
- Suggested Meeting Schedule:
 - Three meetings to focus on each of the three questions:
 - Dec 1, 8, 15
 - Final input from the workgroup by Dec 22nd so that work can begin on final deliverable
 - Summary meeting in January to discuss the final draft deliverable



- 2016 Revised Water Quality Standards for Surface Waters:
http://apps.azsos.gov/public_services/Title_18/18-11.pdf
- www.azdeq.gov
- Spindler.Patti@azdeq.gov
- 602-771-4543