



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

January 10, 2017



- Discussion of Dec 18th minutes & follow-up comments
- Objectives for meeting:
 - Discuss Issue #1
 - Resolve topic #2 on AZPDES permitted streams
 - Topic #3 - Resolved
 - Discuss topic #4: Tributary Rule
 - Workgroup positions
 - Writing assignments
 - Deliverable & timeframe

Topic #1 Questions: How can ADEQ improve stream reach descriptions, lake categories, or designated uses to be more accurate?

- How does the effluent dependent waters (EDW) definition relate to perennial water as defined in R-18-11-101 (30)? One could continuously discharge under an AZPDES permit to an EDW, resulting in a flow to the surface water throughout the year. Propose that the word “naturally” be included in the perennial definition.
- Appendix B is defined as “Surface Waters and Designated Uses”. Only surface waters that meet the definition of WOTUS should be listed in Appendix B. Appendix B should not be used to list waters that would not normally be considered as WOTUS (US Army Corp), but are listed to add a designated use (e.g. Fish consumption – lakes, Drinking water standard – canals). Is there another mechanism for ADEQ to list designated uses for water bodies that are not considered WOTUS?
- The classification of Phoenix Area Canals in Appendix B is confusing. “Granite Reef Dam to municipal WTP intakes: AgI, AgL, and DWS; below municipal WTP intakes and all other locations: AgI & AgL.” Phoenix Area Canals appears to only apply to the canals that supply drinking water. There are many additional canals (irrigation, flood control) that per 12/18/17 may be considered Tributary if flows are returned to a WOTUS. The listing of Phoenix Area Canals should be clarified in Appendix B if other specific canals will not be listed. Canal is not defined in R18-11-101.
- FC question – Why does Queen Creek, headwaters to Superior WWTP, has A&Ww use but not FC use?

Topic #1: How can ADEQ improve stream reach descriptions, lake categories, or designated uses to be more accurate? Suggestions included the following. Map available with Appendix B waters. Done – ADEQ added Appendix B lakes & streams, EDW lakes & streams and perennial waters maps to eMaps.

- AGFD would like to coordinate listing “restored” stock ponds & waters with T&E species
- What is ADEQ’s policy on what categories of waters get listed on AppB,
- What is ADEQ procedure for addressing COE JD decisions in WQS AppB listing decisions? Where can the public go to look for WOTUS decisions on their waterbody (eg. COE website).
- Consider adopting “surface water” definition language or by reference to CWA. Consider language indicating that if a water is not a WOTUS, the designated uses are not applied.
- Only add waters to Appendix B which are not covered by Trib rule.
- **Need consensus proposal and someone to writeup the recommendations.**

Issue 2b:

- During the 12/18/17 meeting, ADEQ stated that there are some instances when AZPDES permitted wastewater/reclamation plants do not change the surface water from ephemeral to effluent-dependent because the discharges are “infrequent” & there is not a “significant” amount of flow. So, for this reason, these AZPDES-permitted discharges may not be listed in Appendix B because the water is still ephemeral (& is thus covered under the Tributary rule). During the ADEQ EDW workgroup the following was discussed on this topic: “If the AZPDES/NPDES permit contains conditions that restrict flow to limited periods of time, the water may still be classified as ephemeral. However, if the permit does not have conditions on flow frequency, and therefore flow is allowable at any time, the surface water should be edw.”
- Would the trib rule cover any of the AZPDES waters ADEQ proposes to list? Would we not list unless there’s a significant reason?
- What are implications if A&We is in App B and we apply EDW to the permit-any follow-up?

- Topic #2a: Should ADEQ add lakes and streams that are “impaired” but are not currently on Appendix B to Appendix B in order to provide clarity to the applicable designated uses?
 - **Consensus opinion:** No, impaired waters don’t need to be listed in Appendix B as long as there is not a designated use besides those provided by tributary rule, or another significant reason. If there is a **significant** reason to add it then the group was OK.

- Topic #2b: Should ADEQ add lakes and streams that have an AZPDES permit but are not currently on Appendix B to Appendix B in order to provide clarity to the applicable designated uses?
 - General agreement that waters with AZPDES permits should be listed in Appendix B for clarity on which A&W use applies.
 - Question about Individual-General permits – does the A&Wedw or A&We use apply where there are infrequent discharges or a minor WWTP.

- **Need consensus proposal and someone to writeup the recommendations.**

Topic #3: Addition of 40CFR131.31(b) Fish Consumption Uses:

- Concurrence that we should consider this issue closed; the FC use for waters listed in 40CFR131.31(b) was resolved in EPA's 1998 approval letter for ADEQ's 1996 WQS revisions, and in the 2002 WQS in which ADEQ divided Davidson Cyn in to 4 reaches with the FC use appropriately applied to just the A&Ww segments.
- Lee had suggested that ADEQ prepare a letter to EPA explaining the outdated nature of 40CFR131.31(b) and requesting that it be withdrawn.
- **Consensus that this issue is resolved. Volunteer to writeup the consensus opinion?**

Topic: 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?

- Current Tributary Rule: 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.

- The definition of the Tributary Rule should also be considered in the context of ADEQ working toward a more robust Waters of the State program that would tie into Appendix B & the Tributary rule definitions. ADEQ may assume the CWA 404 program. ADEQ should ensure that Waters of the State, 404, and Appendix B are consistent in their scope/requirements.
- How does any proposed change to the WOTUS definition tie into the Tributary Rule? For example, any desert dry wash (ephemeral) that has a bed & bank, differences in vegetation, and sediment deposition. ADEQ should ensure these surface waters continue to be covered.
- What order Tributary is considered in the Tributary Rule? Is only first order Tributary (direct connection to WOTUS) considered, or does ADEQ intend the Tributary Rule to apply to more than one order? What is the cut-off? (First Order, Second Order, Third Order, etc.)

- The tributary rule does not need alteration. ADEQ should add streams to Appendix B when there are designated uses that are distinct from those under the tributary rule. ADEQ should add waters of the US and waters of the state to Appendix B for which there are designated uses to be protected that are distinct from those under the existing tributary rule, based on input from the public as well as agencies such as U. S. Army Corps of Engineers, Arizona Game and Fish Department, Arizona State Land Department and others.
- In favor of clarification but not sure we can get a clear definition of this vs. Ephemeral waters given the intermittent flows and the WOTUS revisions. There was discussion whether ADEQ should change their definition to mimic the EPA definition. This would at least eliminate the back and forth on which rule applies.

Topic #4 – Tributary rule summary



- **Schedule ahead:**
 - Summarize & distribute opinions for each topic
 - Next meeting: Tuesday, Jan 23 1:00-2:30pm: review Draft deliverable report
 - Last comments to be incorporated into final draft deliverable, by Jan 30th
 - Review by email to finalize by Feb 9th
 - Distribution to Workgroup Members and ADEQ WQD Director



- Add these waters:
 - 13 AZPDES permitted waters
 - 23 Impaired waters
 - 3 missing stream segments

- Remove these waters:
 - 4 COE JD – Not WOTUS lakes
 - 4 Corrections (3 lakes filled in/removed, 1 stream on Indian land)



- 2016 Revised Water Quality Standards for Surface Waters:
http://apps.azsos.gov/public_services/Title_18/18-11.pdf
- <https://www.azleg.gov/ars/49/00221.htm>
- www.azdeq.gov
- Spindler.Patti@azdeq.gov
- 602-771-4543

Impaired waters, not currently in Appendix B

Water-shed	Surface Waters	Segment Description and Location (Latitude and Longitudes are in NAD 27 83)	A&Wc	A&Ww	A&We	A&W-edw	FBC	PBC	DWS	FC	AgI	AgL
MG	Arnett Creek	Headwaters to Queen Creek		A&Ww			FBC			FC		
VR	Banning Creek	Headwaters to Granite Creek	A&Wc				FBC			FC		
VR	Butte Creek	Headwaters to Miller Cr	A&Wc				FBC			FC		
MG	Cash Mine Creek	Headwaters to Hassayampa R	A&Wc				FBC			FC		
SC	Cox Gulch	Headwaters to Three R Canyon			A&We			PBC				
SR	Five Point Mountain Tributary	Headwaters to Pinto Creek at 33.22.25/			A&We			PBC				
SR	Gibson Mine Trib to Pinto Cr	Headwaters to Pinto Creek			A&We			PBC				
VR	Government Canyon	Headwaters to Granite Creek	A&Wc				FBC			FC		
SC	Humboldt Canyon	Headwaters to Alum Gulch		A&Ww			FBC			FC		
VR	Manzanita Creek	Headwaters to Granite Creek	A&Wc				FBC			FC		
VR	Miller Creek	Headwaters to Granite Creek	A&Wc				FBC			FC		
MG	Money Metals Trib	Headwaters to Unnamed trib UB1			A&We			PBC				
VR	North Fork Miller Creek	Headwaters to Miller Creek	A&Wc				FBC			FC		
VR	North Granite Creek	Headwaters to Granite Creek	A&Wc				FBC			FC		
VR	Slaughterhouse Gulch	Headwaters to Unnamed trib to Granite Creek		A&Ww			FBC			FC		
SC	Unnamed Trib (UA2) to Alum Gulch	Headwaters to Alum Gulch			A&We			PBC				
MG	Unnamed trib to Cash Mine Creek	Headwaters to Cash mine Cr	A&Wc				FBC			FC		
SC	Unnamed trib to Cox Gulch				A&We			PBC				
VR	Unnamed trib to Granite Creek (UGC)	Headwaters to Granite Creek	A&Wc				FBC			FC		
SC	Unnamed trib to Harshaw Creek	Headwaters to Harshaw Creek			A&We				PBC			
SC	Unnamed Trib to Three R Canyon				A&We			PBC				
VR	Unnamed trib to UGC (UUG)	Headwaters to Unnamed trib to Granite Creek	A&Wc				FBC			FC		
MG	Unnamed tributary to Eugene Gulch	Headwaters to Eugene Gulch			A&We			PBC				

AZPDES Permitted waters, not currently in AppB



Water	Surface Water	Segment Description	A&Wc	A&Ww	A&We	A&Wedw	FBC	PBC	FC	AgI	AgL	Comments
VR	Blowout Creek	Headwaters to Verde River			A&We			PBC				City of Cottonwood - WWTF
MG	Corgett Wash	Headwaters to Gila R				A&Wedw		PBC	FC	AgI	AgL	City of Goodyear - Corgett Wash WRF
LC	Cottonwood Wash	Headwaters to Silver Creek			A&We			PBC				Town of Snowflake WWTP
MG	Deadman Wash	Headwaters to New River confluence				A&Wedw		PBC				ANTHEM WATER CAMPUS WWTP
LC	Leroux Wash	Headwaters to the Little Colorado R			A&We			PBC				City of Holbrook-Painted Mesa WRF
SP	Mountain Mesa Drainage Way	Headwaters to San Pedro River			A&We			PBC				Town of Sierra Vista WWTP
VR	Unnamed trib to Munds Creek	Headwaters to 5000' elevation mark	A&Wc				FBC		FC			PINEWOOD COUNTRY CLUB GOLF COURSE AND DRIVING RANGE
VR	Unnamed trib to Munds Creek	5000' elevation mark to Munds Creek		A&Ww			FBC		FC			PINEWOOD COUNTRY CLUB GOLF COURSE AND DRIVING RANGE
BW	Unnamed trib to unnamed trib to Peacock Wash	Headwaters to Unnamed trib to Peacock Wash				A&Wedw		PBC				PETRO STOPPING CENTER
MG	Unnamed trib to Waterman Wash	Headwaters to Waterman Wash			A&We			PBC				City of Goodyear - Rainbow Valley WRF
MG	Unnamed wash, trib to Hassayampa River	Headwaters to Hassayampa River			A&We			PBC				Town of Buckeye-Sun Valley South WRF
MG	Unnamed Wash, trib to Queen Creek	Headwaters to Queen Creek			A&We			PBC				Entrada del Oro WWTP
MG	Unnamed Wash, trib to Winters Wash	Headwaters to Winters Wash			A&We			PBC				Baltarra Wastewater Treatment Facility

- Are all A&Ww waters considered perennial or intermittent? Where are the definitions? Connection to ADWR listings?
- Request a better map, descriptor method or cross-reference for waterbody listings
- Any lake/stream that is considered WOTUS by ADEQ should be in Appendix B; request more clarity
- No benefit to listing a water in AppB if the uses are the same as required by the tributary rule; what belongs in Appendix B?
- Urban lakes maintained by runoff or groundwater pumping or privately owned with no significant nexus with surface waters, may not need to be listed in Appendix B (Coors & Paradise L)
- Federal definition of WOTUS is in flux; this will affect Appendix B list

- City of Mesa requests that Dobson Lake and Riverview Lake be removed from Appendix B
- ADEQ should consider including language to clarify that Appendix B waters & designated uses apply “If and to the extent that each listed water or reach constitutes a surface water.”
- Inclusion on appendix B should not be deemed a conclusive determination that a water is a WOTUS, given pending federal developments on the definition of WOTUS

- Should ADEQ add lakes and streams, not currently on Appendix B that have an:
 - 303d Impaired listing
 - AZPDES permit
 - to provide clarity to the applicable designated uses?
- Are there additional waters that should be explicitly listed in Appendix B?

- Impaired waters should be listed in Appendix B
- Do not support adding waters to AppB based on impairment determinations
- Re: AZPDES individual permits - Unless there is a need to add the A&Wedw use to a specific water, or a dispute on the applicable designated uses, no need to include such waters on Appendix B

1. 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?
2. 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?

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