



# ADEQ 2018 Triennial Review Surface Waters and Designated Uses (Appendix B) Workgroup

January 23, 2018



- Any revisions to Jan 10<sup>th</sup> notes?
- Objectives for meeting:
  - Discuss Issue #2; add AZPDES permitted streams to Appendix B?
  - Review of consensus opinions: Topics #1, 3 & 4
  - Writing assignments
  - Timeframe

Issue 2a: Should ADEQ add lakes and streams that are “impaired” but are not currently on Appendix B?

- **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 is OK with adding to Appendix B.

Issue 2b: Should ADEQ add waters 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.
- Would the trib rule cover any of the AZPDES waters ADEQ proposes to list? Would we not list unless there's a significant reason?
- Question about Individual-General permits – does the A&Wedw or A&We use apply where there are infrequent discharges or a minor WWTP.
- **Consensus opinion?**

# Topic #1: How can ADEQ improve stream reach descriptions, lake categories, or designated uses

## Comments on consensus document:

- Suggestion to replace “recommendations” with “potential options”
- Disagreement that the 4 points are all recommendations by the Workgroup; suggestion to remove the 4 recommendations from the Workgroup process section & focus on “discussion” section.
- Disagreement on definition of “surface water” in R18-11-101; restate as “potential changes to the definition of surface water were broached but no consensus was reached” (1, 3)
- Only WOTUS are covered by the current SWQS rules
- Use of Corps JDs to add/remove waters from Appendix B (2)
- Policy statement or implementation guidance for Appendix B listing process (4)
- **Consensus Recommendation: “The list of surface waters in Appendix B and their respective designated uses meet the programmatic needs for compliance with §303(c). Additional revisions to Appendix B are not warranted at this time.”**

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

- **Consensus Recommendation:** The above described developments obviate the need to add the “fish consumption” use to any of the waters identified in 40 C.F.R. § 131.31(b), making the regulation obsolete. This is because either (1) ADEQ has added the “fish consumption” use to the identified waters or portions thereof, or (2) ADEQ has prepared, and EPA has approved, UAAs justifying not adding the “fish consumption” use to waters (or portions thereof) where it is not designated.
- Consistent with EPA’s promise to “expeditiously” remove the “fish consumption” use designations once the alleged issue was resolved, ADEQ should request that EPA initiate action to rescind 40 C.F.R. § 131.31(b).

- **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?
- **Consensus Recommendation:** “The workgroup came to a consensus that ADEQ should add streams to Appendix B when there are designated uses to that stream that are distinct from those designated uses that would be attributable under the Tributary Rule, and that the Tributary Rule language did not need modification at this time.”

## Next Steps:

- Volunteer to writeup Consensus recommendations for Topic 2a & 2b – due Jan. 30
- Revisions to Topic 1, 3, or 4 – due Jan 30
- Draft deliverable report to Workgroup by Feb 2
- Comments on draft deliverable - Feb 9
- Final Draft deliverable report to Workgroup – Feb 14
- Last comments - Feb 19
- Final Deliverable report to Workgroup and ADEQ WQD Director - Feb 23