

OAW Workgroup Meeting #4
January 18th, 2018

Present by phone: Melanie Mizell, Kathy Arnold, Shela McFarlin, Jennifer Martin
In person: Lee Decker
ADEQ: Randy, Jason, Afa, Patti

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- Question for today: Should ADEQ consider modifying flow regime based OAW eligibility requirements in this rulemaking?
- Melanie - support keeping same flow requirements. Shela agreed, but asked about consistency past & future.
- Randy - Benefits to keeping the same? Melanie - broader protection, would support maintaining protections for intermittent streams. Jennifer- not formal position of Sierra club- support keeping flow requirement the same. Wants to hear from others why they would want to make a change. Kathy - what is flow structure and why would we want it to change? Topic initiated at 1st TR meeting; reason why we are discussing it.
- Melanie - Julia Fonseca in a car accident & not present. But issue important to her; circle back with her later on this flow issue.
- Kathy- would maintain that we should make it perennial only. Intermittent definition ambiguous; how to prove. OAW should be perennial and have water to support vegetation. No public comment on the last change. Would like a revert to perennial flow.
- Lee - AZ Mining Assoc- agree with Kathy- revert to perennial flow in OAW rule. CA has only 2 OAW. NM has gone beyond what they should. EPA doc- no requirement for any state to define an OAW. Imposes restrictions due to Tier 3 status. Recommends perennial flow. Long history; limited to peren in past, changed to intermittent in 2009 TR, believed to include some waters.
- Shela - Please make time for Julia to chime in on this later, since she has an opinion.
- Jason - no consensus here; two divergent opinions. Request for Workgroup members to volunteer to writeup opinion. Lee volunteered for opinion to revert back to pre2009 language.
- Shela - work with Jennifer, Julia, and Melanie to craft language? Jennifer/sierra club has language they can work from.
- Melanie - interesting in participating in writing the document opinion on keeping the flow language as it currently is. These four parties will work together.
- DEQ will communicate with groups; meeting notes
- Next meeting Jan 29th 11-1230; focus to identify and assign tasks for completing workgroup deliverable. Krista to communicate with Workgroup regarding deadline for work product.
- Melanie- Julia had rationale for discussing adding ephemeral- want to make sure her opinion included before any final documentation.
- Meeting concluded 1:04