



# ADEQ 2017 Triennial Review Outstanding Arizona Waters Workgroup Meeting 5

January 30, 2018



- Meeting centered upon whether ADEQ should modify the current OAW flow regime requirements
- There was no consensus on this issue
  - Some members believe that OAWs should be limited to perennial waters
  - Others believe that the definition should remain as is  
(Note: Julia raised this topic and was unable to attend)
- Lee volunteered to write up the summary suggesting reverting back to perennial water eligibility
- Shela, Jennifer, Julia, and Melanie will work on a summary for keeping current definition, pending Julia's input on ephemeral waters
- Next meeting will focus on identifying and assigning tasks for completing workgroup deliverable and allow for Julia to provide input on flow regime language

- Review charter questions and identify consensus points and/or positions that need to be documented.
- Assign write-ups to workgroup members
- Discuss strategy for write-up review and determine need for an additional meeting.

## Project Scope:

How can ADEQ define “good water quality” (R18-11-112(D)(3)) more clearly to avoid confusion in determining whether a water is eligible for OAW consideration?

Once a water has become an OAW what action should be undertaken to ensure that it is being maintained and protected as a Tier 3 water under R18-11-107(D)?

What actions should ADEQ take if data shows that water quality is degrading in or if impairment status is determined on a water that is listed as an OAW?

Should ADEQ consider modifying the flow-regime based OAW eligibility requirements in this rulemaking? If so, what changes are recommended by the workgroup, and why?

How can ADEQ define “good water quality” (R18-11-112(D)(3)) more clearly to avoid confusion in determining whether a water is eligible for OAW consideration?

- Discussion Points:
  - Should “good” water quality be a requirement at all?
  - How much data is necessary to determine “good” water quality?
  - Should stormwater exceedances prohibit water quality from being considered “good”?
- Potential Consensus Points:
  - None across charter membership
- Potential Positions to Document:
  - Waters should be eligible regardless of water quality if other values exist that should be protected
  - Good water quality should be defined as meeting standards for all flow conditions and designated uses
  - If minimal water quality is necessary for nomination/designation how could ADEQ use its regulatory authority to protect OAWs?
  - Require that nominations include enough data to establish baseline water quality
  - ADEQ should be responsible for establishing baseline water quality (pre or post designation?)

## Question #2:

Once a water has become an OAW what action should be undertaken to ensure that it is being maintained and protected as a Tier 3 water under R18-11-107(D)?

- Discussion Points:
  - Discovery of disturbances or source of degradation should trigger additional monitoring
  - ADEQ should share BMP recommendations with land manager/owners in OAW watersheds (be more proactive at protecting OAWs)
- Potential Consensus Points:
  - OAWs should be protected
  - There should be a set schedule for monitoring OAWs post designation
- Potential Positions to Document
  - If “good” water quality has not been established what would ADEQ monitor to show degradation?

## Question #3:

What actions should ADEQ take if data shows that water quality is degrading in or if impairment status is determined on a water that is listed as an OAW?

- Discussion Points:
  - Ongoing climate change and drought should be considered as potential impacts
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- Potential Consensus Points:
  - If degradation is suspected, OAW monitoring should be prioritized
  - If an OAW becomes impaired post designation it should be a high priority for TMDL development and trigger increased protection
- Potential Positions to Document:
  - OAW should not be removed if impairment was due to degradation post designation
  - If a review of original nomination data did not meet criteria at time of nomination OAW should be removed
  - If baseline water quality is established post designation and shows impairment ADEQ should remove the water as an OAW

Should ADEQ consider modifying the flow-regime based OAW eligibility requirements in this rulemaking? If so, what changes are recommended by the workgroup, and why?

- **Discussion Points:**
  - Several members believe that OAWs should be limited to perennial waters
  - Others believe that the definition should remain as is
  - Note: Julia raised this topic and was unable to attend
- **Potential Consensus Points:**
  - None across charter membership
- **Potential Positions to Document:**
  - Assigned in 1/18 meeting
    - Lee will summarize why ADEQ should revert to pre 2009 language limited OAWs to perennial waters
    - Shela et al will summarize why intermittent water should be included (position may be adjusted pending Julia's input)