

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

Background:

Designated uses for Impaired waters are determined as for any other waterbody, as per the Designated Use rule (R18-11-104B) or the Tributary rule (R18-11-105). The Tributary rule generally indicates that the A&W (ephemeral) and PBC uses apply to an ephemeral waterbody that is tributary to a listed waterbody. For unlisted perennial or intermittent waterbodies that are tributary to a listed waterbody, the applicable uses are A&W (cold or warm—depending on elevation of waterbody), FBC, and FC. The designated uses for a waterbody that is not an EDW or does not have agricultural uses (AgI, AgL) or the domestic water source use (DWS), are not required to be listed in Appendix B. Many of the “impaired” streams that ADEQ identified as missing from Appendix B are small unnamed tributaries with water quality exceedances determined as part of TMDL studies. These waterbodies do not need to be specifically listed in Appendix B, since there are no other known designated uses than those covered by the Tributary rule. The Workgroup discussed that if other designated uses, besides the A&W, FBC/PBC and FC designated use, are determined for an impaired water that is tributary to a listed surface water, then that water should be listed in Appendix B.

The Workgroup also discussed the following items: 1) how to identify an intermittent vs an ephemeral stream, 2) that Arnett Cr is an impaired intermittent water that the Arizona Game and Fish Department (AGFD) would like to see added to Appendix B due to threatened and endangered (T&E) species, and 3) being impaired doesn’t change the designated use whereas a discharge may change the designated use.

Recommendation: “Impaired” waters do not need to be listed in Appendix B as long as there is not a designated use besides those provided by the Tributary rule, or another significant reason.

Topic #2b – Should ADEQ add waterbodies that have an AZPDES individual discharge permit to Appendix B?

Background:

Currently, Appendix B of the Water Quality Standards functions in part as the reference list of streams and lakes, the reach length of flow, and designated uses for waters that receive discharges from individual AZPDES permitted facilities. Depending on the nature of permitted discharges, these “receiving” waters may qualify to be classified as effluent dependent waters (EDW) by rule (R18-11-113, the EDW rule). In addition, these waters should be listed in Appendix B because they have designated uses which are not covered by the tributary rule (R18-11-105). Lastly, Appendix B provides a public record of applicable designated uses for specific

waters to which the EDW designated use applies, for Permittees, ADEQ staff and the public and this is important in the context of individual permits and associated receiving waters.

The Workgroup also discussed the following items: 1) this recommendation only applies to individual AZPDES permits and does not apply to stormwater permits, 2) there is an incongruity between A&W edw applied to permitted discharges but some streams listed as A&We, 3) quantity and frequency of EDW flows in determining which designated use applies in the receiving water, 4) what happens when a permit is closed out (rulemaking needed to change applicable designated uses), 5) designated use changes done by use attainability analysis or changes allowed by EPA with justification (eg. fish consumption use), 6) tributary rule doesn't apply to EDW streams-rather it must be applied by rule, 7) Permittee needs to know which designated use applies & Appendix B is the record, 8) lengths of EDW reaches recorded in Appendix B.

Recommendation: Waterbodies with Individual AZPDES permits should be listed in Appendix B for clarity as to what are the applicable designated uses.