

Arizona Department of Environmental Quality

Workgroup Charter: Antidegradation and Effluent Dependent Waters

Value Proposition:

ADEQ is undergoing a review of its Surface Water Quality standards, commonly referred to as a Triennial Review of Surface Water Quality Standards. ADEQ sees these rule revisions as a positive means to further enhance Arizona’s unique environment and support environmentally responsible economic growth.

Specifically under this Charter, ADEQ requests this workgroup to provide technical recommendations that ensure that ADEQ’s Antidegradation Rule and Effluent Dependent Waters (EDW) definition and application is clear, concise and is adequate to protect against the degradation of surface water quality consistent with the Federal Clean Water Act.

In implementing its mission to protect and enhance public health and the environment, ADEQ strives for radical simplicity, nationally recognized technical and operational excellence, and balanced, leading-edge environmental protection. Please allow this vision to guide the workgroup’s recommendations developed under this Charter.

Charter Member Structure and Procedural Operation:

Member Structure. The workgroup should have between 6 and 10 members, including the ADEQ chair. The chair, with input from workgroup members, should name a co-chair. The chair and the ADEQ Water Quality Division Director shall mutually agree on the number, designation, mission, scope, and membership of this workgroup and any changes. Table 1 below shows the initial member list.

Table 1. Workgroup Member List (invited)

Name	Affiliation	Role
Jason Sutter	ADEQ	Chair
Sandy Bahr	Sierra Club	Member
Julia Fonseca	Pima County	Member
Lee Decker	AZ Mining Association	Member
Scott Thomas	Fennemore Craig	Member
Melanie Ford	City of Phoenix	Member
Bob Hollander	City of Peoria	Member
Jim Dubois	Pima County	Member
Elizabeth Sablad	EPA	Member
Justin Burns	City of Tempe	Member

External Review or Consultation. Although participation in the workgroup is by invitation, members are free to consult with external entities but are expected to meet agreed upon workgroup deadlines.

Changes to Workgroup Membership. If either the ADEQ Water Quality Director or the chair are concerned about the commitment, behavior, or performance of a workgroup member, the two should consult to determine appropriate action, which may include replacement of the member.

Withdrawal from Workgroup. A member may withdraw from the workgroup at any time.

Good Faith Commitment. ADEQ recognizes and appreciates that workgroup members are experts in their field and are volunteering their valuable time. It is expected that workgroup members will participate in good faith throughout the process.

Decisions/Consensus. Ideally, the workgroup will be able to operate on a consensus basis. If a consensus cannot be reached, ADEQ will determine the contents of the final deliverable.

For the sake of the record and to make certain that ADEQ fully understands all sides of the issue, the chair will ensure that any opposing opinions are summarized in a written explanation of the reasons for disagreement. These explanations will be included in the final deliverable of the workgroup.

Internal Workgroup Review. A draft of the deliverable will be provided to all workgroup members for review and comment before the deliverable becomes final.

Records. Members shall keep record of sources referenced in discussions. This is to ensure that ADEQ can confidently draft the preamble to the rule and defend it should the need arise. Minutes for all meetings shall be kept. The chair will consult with ADEQ, on a meeting by meeting basis if needed, to determine whether this responsibility will be performed by an ADEQ staff person or a member of the workgroup or other person assigned by the chair. ADEQ will make minutes and agendas publicly available on its website.

Meeting Number and Frequency. The chair and workgroup members will decide the meeting number and frequency required to complete the deliverable within the assigned timeframe.

Meeting Locations. ADEQ anticipates that the majority of the meetings will be conducted using a Web based application. In the event that in-person meeting are requested or necessary, ADEQ can provide space in its own facilities for meetings in Phoenix or Tucson. If the workgroup meets at another location, meeting arrangements and teleconference tools are their responsibility.

Member Responsibilities:

Workgroup Member Responsibilities. Members should make every effort to attend all meetings in person or electronically. Members represent their affiliations and bring their special expertise to the table. Full participation is needed to ensure all affiliations and expertise are represented, all viewpoints are voiced, and decisions are reached by consensus to the maximum extent possible. This will allow ADEQ to confidently proceed in developing a science-based rule revision that is fair, effective, defensible, and beneficial to the citizens of Arizona.

Workgroup Chair Member – Procedural Responsibilities. The chair should schedule meetings to ensure that he or she can attend and conduct the meetings. Housekeeping best meeting practices to account for include:

- Establishing a workgroup timeline;
- Take roll for each meeting;
- Prepare and distribute meeting agendas;
- Moving the discussion forward to keep the agenda on time;
- Ensuring that the workgroup remains productive;
- Ensuring that all sides of an issue are explored, including hidden or unpopular aspects;
- Encourage participation;
- Assist the workgroup in reaching consensus and articulating issues where consensus is not possible;
- Assist workgroup members in preparing the deliverable; and
- Ensure that internal workgroup deadlines are met and the final report is delivered to ADEQ on schedule.

Deliverable:

ADEQ anticipates a sectioned report that answers the Project Scope questions below, including a list of all documents or other information reviewed to create the final report.

Timeframe:

ADEQ expects the workgroup to have its first meeting by October 31st, 2017, at the latest, and to deliver a reviewed and finalized report no later than January 12, 2018.

Project Scope:

Is the current Antidegradation Rule consistent with Federal Clean Water Act. If not, what changes should be made to correct the inconsistencies.

ADEQ is proposing that Baseline Characterization section (R18-11-107.01 (B)(3)(c)) be renumbered to R18-11-107.01 (B)(2) with the subsequent sections being renumbered. Do work group members anticipate any adverse impacts or risks associated with this change?

ADEQ is proposing that the temporary impacts to OAWs language found in R18-11-107.01 (C)(4) be moved to its own section (5) and clarify that the temporary impacts cannot be “regularly occurring”. Do work group members anticipate any adverse impacts or risks associated with this change?

How can the definition of an “effluent dependent water” (EDW) (R18-11-101 (17)) be changed to provide greater clarity to its applicability?

Does the definition of “wastewater” (R18-11-101 (48)) clearly limit the applicability of an effluent dependent water? If not, how should the definition be changed?