



Meeting Summary

ADEQ WATER QUALITY DIVISION TRIENNIAL REVIEW 2018 STAKEHOLDER MEETING #2 SUMMARY

DATE: May 1, 2018
TIME: 9-11 a.m.
LOCATION: ADEQ, Room 3175, 1110 West Washington Street, Phoenix

STAKEHOLDER ATTENDEES (Attached)

ADEQ STAFF

Rik Gay
Jason Sutter
Heidi Welborn
Matt Ivers
Sam Rector
Afaq Abbasova

ADDITIONAL ATTENDEES

Theresa Gunn, GCI
Kelly Cairo, GCI

AGENDA

The complete agenda is available online and includes:

- Review Agenda and Introductions
- Welcome
- Triennial Review Group Topics
- Stakeholder Input
- Next Steps
- Evaluation

REVIEW AGENDA AND INTRODUCTIONS

Meeting facilitator Theresa Gunn greeted attendees and facilitated introductions. Approximately 42 stakeholders participated in the meeting, with 14 attending in person and 28 via WebEx or conference call. Some attendees may not have identified themselves.

WELCOME

Jason Sutter welcomed the group. He explained the meeting schedule, noting that the meeting on May 7 in Phoenix will include Outstanding Arizona Waters, Effluent Dependent Waters and Antidegradation. On May 10, ADEQ will host a Tucson meeting to include all of the information presented at the three Phoenix meetings.

Sutter recommended that stakeholders subscribe via ListServe to the Water Quality Rule-Making list. ADEQ does not subscribe people to lists, but relies on individuals to choose to subscribe.

He explained that the department is looking for early input on this rule-making in order to understand what stakeholders will value in drafting the rule.

TRIENNIAL REVIEW GROUP TOPICS

ADEQ staff members presented Triennial Review Group Topics as noted below. Highlights of the presentation and comments and questions follow.

Schedule and Overview

Sam Rector provided information about the current schedule for the Triennial Review and a brief overview of the process.

- Triennial Review Schedule
 - May – Stakeholder comments/suggestions
 - Mid-May – Begin drafting standards package
 - Mid-July – Draft standards and rules available for review
 - August – Stakeholder meetings
 - September – File NPRM with Secretary of State
 - November – Public hearing
 - April 2019 – Rules effective

Numeric Standards

Sam Rector reviewed numeric standards, which include standards for human health, aquatic and wildlife, and agriculture.

- EPA promulgates various recommended criteria, including:
 - CWA Priority Pollutants
 - 304(a) Criteria
 - Drinking water MCLs
 - Regulated pesticides and pollutants
- EPA criteria are narrative and numeric.
- If EPA determines that water body uses are not protected by state criteria, it may disapprove state standards criteria and promulgate its own
- Preliminary standards changes include:
 - 2300+ individual standards in 13 separate uses
 - 260 numeric standard changes
 - 180 more stringent
 - 80 less stringent
 - 50 A&W
 - 210 Human health
- Arizona has a unique species list that includes warm water species and is included in Arizona standards.

Ammonia

- Standards that will change include ammonia. The Unionid mussel requires a more stringent standard. This standard would be applied where the Unionid mussel is currently present.
- Ammonia table key (see 'Ammonia' slide # 11)
 - CU-Cold water Unionids are present
 - C-Cold water
 - WU-Warm water where Unionids are present
 - W-Warm water
 - EDW-Effluent dependent waters
 - Acu-Acute
 - Chr-Chronic
 - M-More stringent
 - S-Same stringent
 - L-Less stringent

(Question): Do the places Unionids used to exist that overlap with any other areas?

(Response): Currently, there is a study in the Santa Cruz River. We will seek the results of the study when available.

(Comment): ADEQ will need to negotiate whether Unionids are present in effluent waters.

Selenium

- The 2016 EPA criteria document now includes fish tissue and water. There is a hierarchy of egg/ovary limits and fish whole body or muscle tissue. ADEQ is responsible for determining when to test fish tissue and conducting any tests.

(Question): How is this going to change the standards in the appendix? (Response): It will not. We will house the new standard in section 109. We may house the numeric standards here.

- Arizona has selenium bearing soils, which has led to a request for a lower standard.

(Question): Are you planning to use 3.1 micrograms per liter? (Response): Yes, we plan to try to get this concentration adopted. (Comment): We (Fish and Wildlife Services) are actually comfortable with this standard and the listed species that will be considered. The EPA concentration was at approximately 6.

(Question) If the water concentration is over 3.1 micrograms per liter will ADEQ do fish tissue sample? (Response): Yes, that is what we intend to do.

- Selenium is not generally a high bio-accumulable number, so ADEQ would back up the water information with tissue sampling.

(Question): Why is dry weight used for fish tissue? (Response): Tissue can appear lighter than the actual due to sampling process. Dry weight is the more accurate method.

- Meeting the standard in tissue means that the water concentration is acceptable.

(Comment): We (Fish and Wildlife Service) mainly see bioaccumulation of selenium on the Colorado River.

Cadmium

- The 2016 EPA criteria document shows some areas as more stringent and others as less stringent.

(Question): What hardness level is used here? (Response): These numbers are at a hardness of 100.

Other

- Rector asked if there were any other pollutants ADEQ should consider and asked for any other issues stakeholders would like to discuss.

(Questions): Suspended sediment concentration used to be a turbidity standard. What is ADEQ's position on this and is this the right number for the suspended sediment? (Response): Patti Spindler is the expert on this and she should be contacted for the answer.

- About two-thirds of the changes are to pesticides and organics. There are also changes to standards for human health and full and partial body contact. Aquatic standards, however, are usually the lower concentration standard.

(Question): When can we get the list? Will it show strikeout language changes? (Response): We plan to be able to provide the standards changes list in two weeks. It will not show the changes as strikeout, but it will include a side-by-side comparison of values. ADEQ will notify all those who have RSVP'd to meetings regarding the availability of the list on the website.

Section 109(f) Nutrients

Sutter presented information on nutrients.

- The language in this section did not correlate to ADEQ's intent. The revisions reflect applicability of standards.

(Question): We used to have tables showing ranges of hardness from 1-400. Will this be available? (Response): The data using water at a hardness of 100 was prepared to streamline information. We will consider putting this range back in. (Comment): ADEQ has an Excel spreadsheet on the website regarding hardness that helps with evaluating data.

(Question): How will judgements appear in a discharge to ephemeral water that would not affect a perennial water. (Response): These judgements would be made during AZPDES

process. We would consider the likelihood of an ephemeral water reaching the perennial water.

(Comment): I am concerned that this is a very qualitative process, not subject to clear-cut standards. (Response): We will follow up with additional discussion.

STAKEHOLDER INPUT

Gunn posed the questions:

- What are the **values**, the overarching benefit that you want to see reflected in this rulemaking?
- What **criteria** do you suggest to implement and realize those values?

She noted that this process reflects an opportunity to influence what goes on paper.

(Question): Will background values be taken into consideration? (Response): When toxicity testing occurs, this is very clear cut. The results do not differentiate which are added levels. However, there are certain factors that influence toxicity, such as the presence of copper that would be taken into consideration.

NEXT STEPS

- Timeline
 - Provide comments to waterqualitystandards@azdeq.gov by May 17.
 - Beginning May 18, ADEQ will begin drafting the rule.
 - In mid-July draft standards will be available for review.
 - August: additional stakeholder meetings.
 - September: GRRC, draft to EPA.

ACTION ITEMS

- ADEQ to follow up regarding ephemeral waters with Roger McManus.
- ADEQ to contact RSVP list with availability of preliminary standards changes to the website.

EVALUATION

Gunn encouraged stakeholders to complete meeting evaluations. The meeting evaluation was also available online through May 2. Results are attached.

STAKEHOLDER ATTENDEES (IN PERSON AND BY PHONE) AND ORGANIZATION

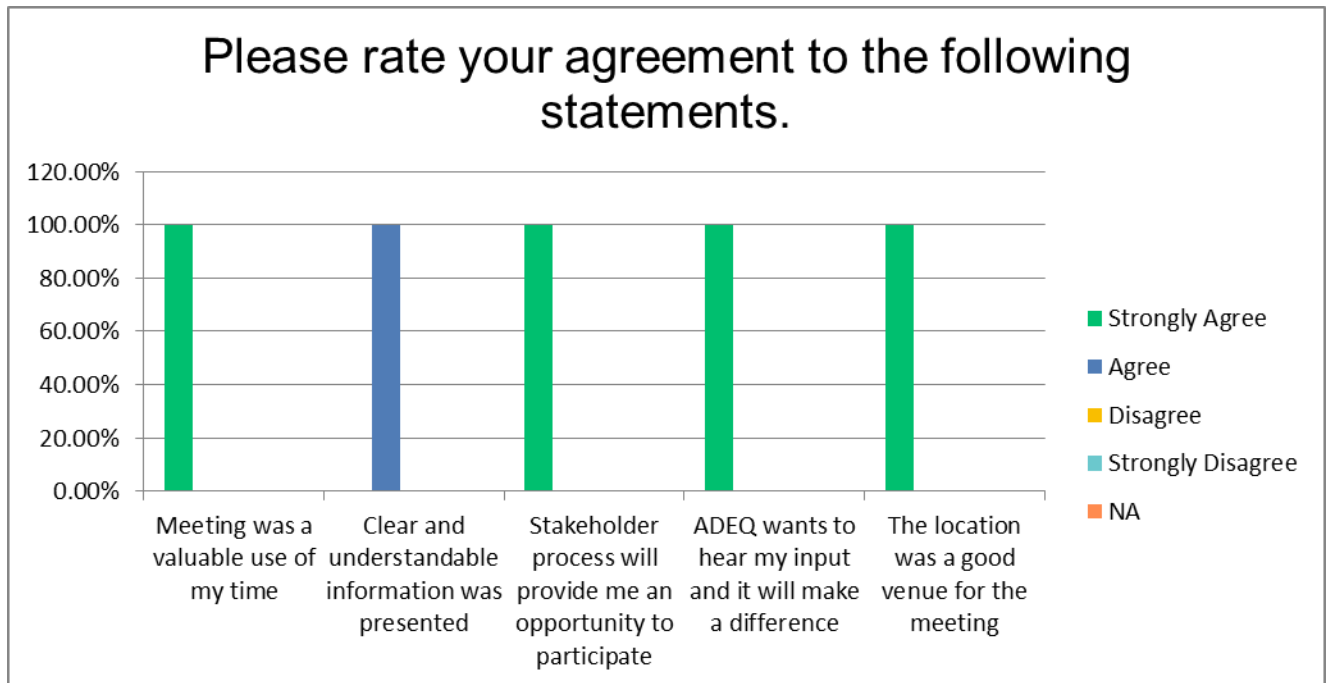
Cordel Adler	(did not provide)
Jeremiah Armstrong	ASARCO
Jessica Asbill-Case	U.S. Department of Interior Bureau of Reclamation
Joy Bell	City of Phoenix, Public Works
Mason Bolitho	Haley & Aldrich, Inc.
Betsy Bowman	City of Yuma
Joan Card	Culp & Kelly, LLP
Natalie Chrisman Lazarr	(did not provide)
Scott Claiborne	(did not provide)
Patrick Cunningham	HighGround Public Affairs
Marc Dahlberg	Arizona Game and Fish Department
Lee Decker	Gallagher & Kennedy
Leah Dennis	City of Yuma
Lori Ehman	City of Tucson
Anne Fischer	Tonto National Forest
Melanie Ford	City of Phoenix, Water Services Department
Karen Gaylord	Jennings, Haug & Cunningham, LLP
Gregory Ghidotti	(did not provide)
Hilary Hartline	City of Phoenix, Office of Environmental Programs
Julie Hoffman	MAG
Roy Jennison	(did not provide)
Matt Killeen	City of Prescott
Jill Kipnes	(did not provide)
Jim Kudlinski	SRP
Carrie Marr	FWS
Jenn McCall	NXP USA, Inc.
Chelsea McGuire	Arizona Farm Bureau
Roger McManus	(did not provide)
John Meyer	City of Mesa, Environmental & Sustainability Division
Heather Miller	Arizona Department of Health Services
Barbara Murphy	Clear Creek Associates
Amy Murray	City of Buckeye
Bridgette Pena	Ak-Chin Indian Community
Daniel Pusher	White Mountain Apache Tribe
Monica Rabb	City of Glendale, Water Service Department
Michele Robertson	APS
Mark Severson	Bison Engineering, Inc.
Natalia Smith	SRP
Dan Stanton	(did not provide)
Vashti Supplee	Audubon Arizona
Scott Thomas	Fennemore Craig
Patti Trahern	Independent Consultant

ADEQ STAKEHOLDER MEETING EVALUATION RESULTS

One stakeholder returned a meeting evaluation survey. The stakeholder did not answer all questions.

Attendees were asked to rate their agreement (Strongly Agree, Agree, Disagree, Strongly Disagree, Not Apply) with the following statements:

- Meeting was a valuable use of my time
- Clear and understandable information was presented
- Stakeholder process will provide me an opportunity to participate
- ADEQ wants to hear my input and it will make a difference
- The location was a good venue for the meeting



What was the best thing about today?

- (No response.)

What should be changed for future meetings?

- More details on OAW, EDW and Anti-deg should be provided next Monday.