



# Triennial Review of Surface Water Quality Standards

Public Meeting

June 21, 2017



- Please hold your questions and comments until open discussion periods
- If you're attending via webinar, please address your questions and comments via webinar chat to Heidi Haggerty
- If you're attending via webinar, please note we are muting your audio and please do not unmute yourself
- Those of you here in person, please use a microphone for the benefit of those attending remotely and others in the room

- Triennial review introduction
- Gather stakeholder input on topics
- Discuss additional ADEQ-identified topics
- Workgroup development
- Proposed rulemaking timeline
- Adjournment



## CWA § 303(c) requires states:

- to review and revise their water quality standards (WQS), as appropriate,
- every three years,
- using a process that includes public participation.



## Standards shall:

- Consist of:
  - designated uses involved and quality criteria for the water
  - Antidegradation policy
- Be based on consideration of use and value for:
  - Public water supplies,
  - Propagation of fish and wildlife,
  - Recreation,
  - Agriculture,
  - Industry,
  - Navigation, and
  - Other
  - (ADEQ has established specific uses based on the above list)



# What is a Triennial Review?

## Standards shall also:

- Protect public health or welfare,
- Enhance water quality, and
- Serve purposes of CWA

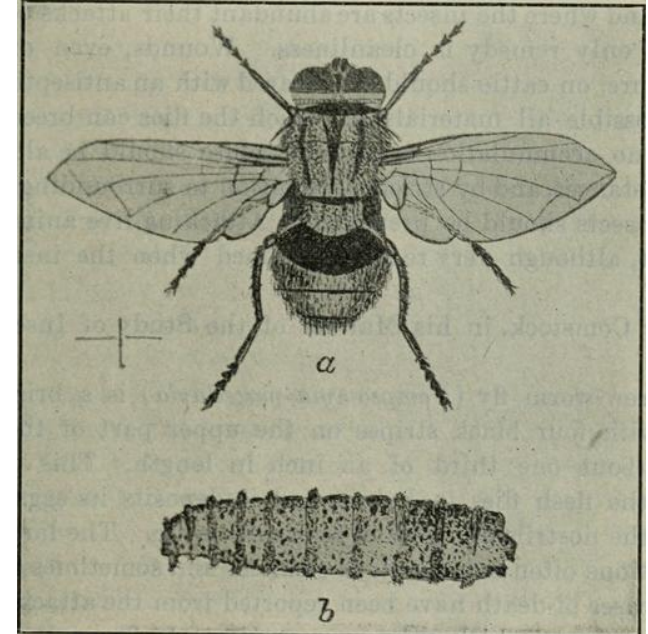


- **State:**
  - Reviews standards through technical and public process,
  - Undergoes rulemaking, and
  - Submits WQS to EPA
- **EPA:**
  - Approves,
  - Disapproves, or
  - Abstains from action on certain standards.



## 1. EPA Criteria Recommendations

Clarification that state must explain and support decision not to adopt EPA promulgated criteria recommendations made under CWA § 304(a) (40 CFR §131.20(a))





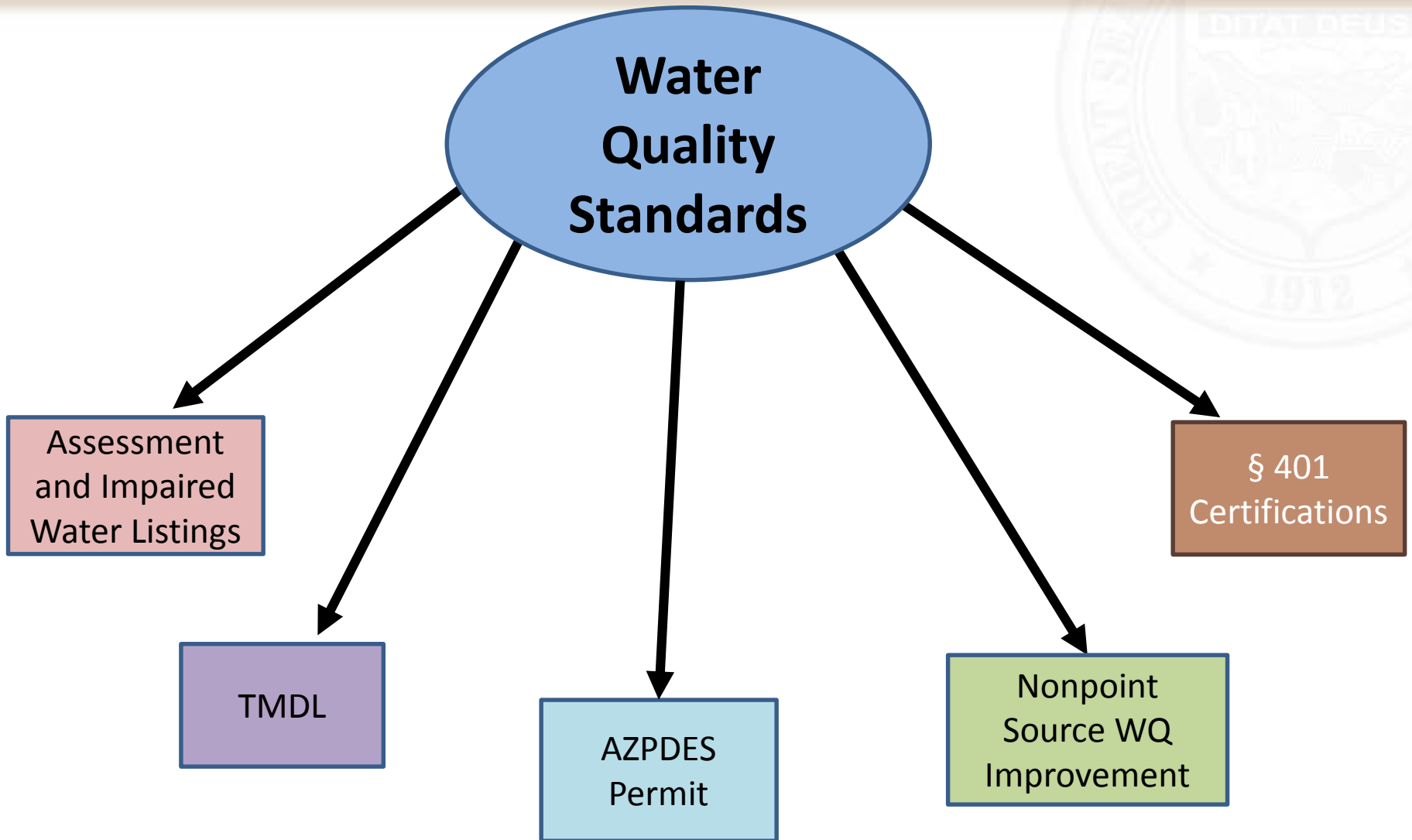
## 2. Variances

- Variances must be issued as a water quality standard under 40 CFR part 131
  - including public involvement and EPA approval
- States must submit supporting documentation:
  - why variance is needed,
  - represents the highest attainable condition,
  - justify term and requirements
- Term limits when review required
- May not lower quality of currently attaining waters



[80 FR 51020 (Aug. 21, 2015)]

# What Programs Does Triennial Review Affect?



- Assessment and Impaired Water Listing
  - Water quality assessments use WQS as benchmarks (§ 305(b))
  - Waters that do not meet WQS are identified and listed as impaired waters (§ 303(d))
  
- Total Maximum Daily Load (TMDL)
  - If water is listed as impaired, state may need to calculate the max amount of a pollutant a water can take and still meet WQS.
  - This is allocated among discharging point and non-point sources in the watershed.
  - This “budget” is implemented through other programs, such as AZPDES.
  
- AZPDES Permits
  - Permits must establish limits on discharge based on TMDL to ensure WQS are met (§ 402)

- Water Quality Improvement Grants and BMPs
  - Waters that cannot be reasonable expected to attain or maintain WQS may need other nonpoint source management (§ 319)
  - WQS are used to make demonstrations for grants
  
- Certifications of Federal Permits
  - Program ensures that no federal license or permit is issued that would cause a violation of state WQS (§ 401)
  - (e.g. 404 dredge and fill permit)

- Please state your name and affiliation
- Provide rule section number (if known) with your topic overview (e.g. Section 105-Tributary Rule)- provide specific language on comment form or by email
- Be respectful of differing points of view
- Give everyone a chance to speak
- Webinar participants – please communicate via chat to Heidi Haggerty

- Federally promulgated WQS updates since 2009 (Appendix A)
  - 96 Human Health Criteria
  - Selenium, Cadmium
- Tributary Rule (105)
  - update language to include how to determine when a tributary is a WOTUS
- Update 2016 TR revisions with “no action” taken by EPA
  - Site-specific standards (115(B)(5))
  - Grand Canyon Site Specific Copper Standard (Appendix C)

- **Narrative Criteria (108)**
  - Update Bottom Deposit and Biocriteria thresholds
  - Revise the lakes narrative nutrients matrix
- **Variances (122)**
  - Update language based on revised Federal WQS Rule
- **OAWs (112)**
  - Solicit new nominations
- **Recreational bacteria (109A)**
  - Update rule based upon 2012 EPA criteria

# Group topics





- Create smaller groups of interested parties to tackle more complex/controversial issues
- Later define workgroup scope, goals, and milestones
- Possible additional workgroup meetings to solicit input and draft rule language
- ADEQ will ultimately draft the rule
- Additional topic comments accepted until July 7<sup>th</sup>



- **Definitions (101)**
- **Designated Uses (104, 105)**
- **Antidegradation (107, 107.01)**
- **Narrative WQS (108, 108.01, 108.02, 108.03)**
- **Numeric WQS (109, 110, App A)**
- **OAWs (112)**
- **Surface Waters (App B)**
- **Site Specific Standards (115, App C)**
- **AZPDES Related (121, 122)**

- Workgroup meetings (July- November 2017)
- Complete Internal Draft (January 2018)
- Public Meeting (February 2018)
- File Proposed Rulemaking (June 2018)
- File Notice of Final Rulemaking (December 2018)
- Rule Effective (February 2019)

**Please make any suggestions to ADEQ early in the process so we have time to evaluate them!**

- Please submit any additional suggestions by July 7<sup>th</sup>

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- Questions about process

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