Stakeholder Advisory Group

A Proposed Framework

October 16, 2020
Today's Agenda

Why do we need a state program?
Proposed Framework
Initial Feedback
Next Steps
Navigable Waters Protection Rule

Limited federal control of state waters

Based on commerce and navigation

Leaves many important waters to the states
Why do we need a state program?

- Protect key wet waters
- Sustain Arizona’s economy
- Fulfill Governor Ducey’s vision and direction
EXAMPLES OF NEWLY NON-WOTUS WATERS

Santa Fe Reservoir, Williams
- Drinking water source for City of Williams
- Popular for fishing
- Currently has consumption advisory for mercury in fish tissue based on WOTUS water quality standards

Roper Lake, Safford
- Arizona State Park
- Popular lake for camping, fishing, and recreation
EXAMPLES OF NEWLY NON-WOTUS WATERS

**Watson Lake, Prescott**
- Popular recreation site – fishing, boating, camping, hiking
- Impaired (nutrient and nutrient-related water quality issues) based on WOTUS water quality standards

**Woods Canyon Lake, near Payson**
- Managed trout fishery
- Popular recreation site – fishing, boating, camping
My vision is for Arizona to be the number one state to live, work, play, recreate, retire, visit, do business, and get an education.
SUSTAIN ARIZONA’S ECONOMY

Arizona water-based recreation contributes $13.5B to the state’s economy

114,000 Jobs

“Water-based outdoor recreation as an industry ranks above mining and golf in terms of total economic output to the state.”

Audubon, The Economic Impact Of Arizona’s Rivers, Lakes, And Streams
“In regard to a reduced scope of federal regulation under the CWA, Arizona recognizes and welcomes the need to protect non-WOTUS state surface waters.”

Governor Doug Ducey
Letter to EPA
June 16, 2017
The NWPR rule is confusing

A unique and complex new state program would be the wrong choice

Tucson Stakeholder Meeting: Feb 2020
A state program should:

- Have a map of protected waters
- Keep what we know (CWA)
- **Not** be a land management program
- Build on existing programs and authorities
CURRENT STATE

- **Point Source & Storm Water Permits**: Yes
- **Set Water Quality Standards**: Yes
- **Enforce Standards**: Yes
- **Total Maximum Daily Loads**: Yes
- **Dredge and Fill Permits**: Yes

- **WOTUS**: Yes
- **Non-WOTUS**: No
PROPOSED FRAMEWORK

* Applying currently-existing standards, and revising as needed.
FRAMEWORK GOALS

Protect public health and the environment

Promote and encourage sustainable business

Preserve and protect Arizona’s 8 major rivers

Woods Canyon Lake: Non-WOTUS
FRAMEWORK GOALS

Safeguard wet waters

Leverage existing authorities and programs

Produce a clear program with a defined list and map

Jack’s Canyon: Intermittent Stream
Same permit program and fees as the CWA 402 Program

One set of standards

Same permit for both WOTUS and listed state waters
THIS FRAMEWORK:

**WILL NOT** require multiple AZPDES permits for a single discharge

**WILL NOT** set standards for any ephemerals other than minor portions of the 8 major rivers

**WILL NOT** change how ADEQ administers the AZPDES program
THIS FRAMEWORK:

**WILL NOT** regulate nonpoint source pollution

**WILL NOT** regulate AG return flows and AG stormwater discharges

**WILL NOT** create a state dredge and fill program (like CWA Section 404)
PROTECTED SURFACE WATERS LIST

CLEAN WATER ACT

WOTUS

Arizona’s 8 major rivers

Bill Williams River
Gila River
Salt River
Santa Cruz River

Colorado River
Little Colorado River
San Pedro River
Verde River

Additional wet waters
Additional Wet Waters

- Initial list of protected state waters
- Defined criteria and public process to add/remove waters from the list
- Permit only required for discharges to a WOTUS or a water on the list
EXAMPLE EXCLUSIONS

- Ephemeral waters (other than minor portions of the 8 major rivers)
- Ditches and canals
- Artificially irrigated areas
- HOA and golf course ponds
- Swimming pools
- Stock tanks
- Upland pools incidental to construction and industry
- Waste treatment systems
- Others?
Your Initial Reaction

Launch Poll Question
Your Thoughts?

Can you support this proposed framework?

What other information is needed?

Will you be willing to support potential legislation?
Homework
Due Oct 30

Thoughts on the inclusion of the 8 major rivers

What should our initial set of protected waters be?

Which waters should be excluded?

Suggestions for criteria and process to add/remove waters

Comments on draft legislation
October 30: Input from SAG members

Date TBD: Stakeholder meeting to discuss framework

SAG Meeting #8: To review draft legislation for 2021 session