Arizona Department of Environmental Quality

Waters of Arizona
Kick-off Stakeholder Meetings

November 7th : Flagstaff
November 12th : Phoenix
November 14th : Tucson
Welcome video by Director Misael Cabrera: youtube.com/watch?v=qPHMxe1Bqus&feature=youtu.be
Tips for a Good Meeting

1. RESTROOMS, PHONES, BREAKS
2. IDENTIFY QUESTION/ISSUES
3. LISTEN TO OTHERS
4. WORK TOGETHER
Meeting Purpose

1. Information on upcoming change to WOTUS rule

2. Discuss how this change will affect Arizona waters

3. Listen to your input on how Arizona should move forward
AGENDA

- Welcome
- Introductions
- Opportunity for Waters of Arizona
- Current State of Protection
- Guiding Principles
- Next Steps
OVERVIEW

Trevor Baggiore, ADEQ Water Quality Division Director
Overview Clean Water Act and the AZ Law

1972: October 18, 1972 the Clean Water Act defines jurisdictional waters as "waters of the United States" (WOTUS).

1987: AZ State Legislature created Arizona Department of Environmental Quality (ADEQ) as the state's cabinet-level environmental agency.

1992: ADEQ water quality standards for surface waters and designated uses applicable to WOTUS waters.

1999: AZ Legislature grants ADEQ authority to set water quality standards for "Waters of the State".

2002: ADEQ receives primacy from EPA on all AZPDES permits.

2019: Proposed WOTUS changes projected to go into effect, reducing Arizona's jurisdictional waters by 93%.
Current WOTUS Rule in Arizona

- Traditional Navigable Waters and Adjacent Wetlands
- Perennial and Intermittent Tributaries and Certain Wetlands
- Ephemeral Tributaries and Wetlands with a Significant Nexus
Proposed WOTUS Rule Definition

WOTUS changes effective spring 2020

* For illustrative purposes only. Proposed jurisdictional waters in bold.
Excluded Waters Under Proposed WOTUS Rule

93% Stream Miles Non-Jurisdictional

59% Perennial/Intermittent Streams
- ~3,600 River Miles

100% Ephemeral Streams
- ~28,800 River Miles

99% Lakes
- ~2000 Lakes
  - All Urban Lakes

98% All AZPDES Permits Types
- Stormwater, General and Individual permit types

*Indicated values are based on best available information, and are subject to change as additional and/or more accurate information becomes available to ADEQ.
Arizona Examples

Urban Lake  Red Mountain Park
Photo courtesy of AZGFD

Canal  AZ Falls

Intermittent Stream  Jacks Canyon
<table>
<thead>
<tr>
<th>WOTUS</th>
<th>Non-WOTUS</th>
<th>Current Water Quality Protection in Arizona</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Point Source Permits</td>
</tr>
<tr>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
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<td>Set Water Quality Standards</td>
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<td>Yes</td>
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<td>Enforce Standards</td>
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<td>Yes</td>
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<td>TMDLs*</td>
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<td>Dredge and Fill Permits</td>
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<td>Yes**</td>
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<td>Standards Certs. for Federal Permits</td>
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<td>Yes</td>
<td>No</td>
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</tbody>
</table>

* Total Maximum Daily Loads for waterbodies
** Currently administered by the U.S. Army Corps of Engineers
“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
1. Does your state regulate non-WOTUS waters of the state under different or additional authorities than those used to regulate WOTUS?

- No: 46.2%
- Yes: 53.8%

2. Will the EPA's proposed WOTUS rule have a large, moderate, or small impact on your state's percentage of WOTUS waters?

- Large: 41.7%
- Moderate: 33.3%
- Small: 25%
Waters of Arizona Process

- Stakeholder Meetings
- Program Outline
- Statutory Authority If Needed
- Collaborative Program Development

WE ARE HERE
1. ACTIVITY

1. Select a recorder

2. Select a reporter

3. Brainstorm and make a list

What are potential issues to consider when developing a state program?
Guiding Principles

- The values everyone agrees are important.
- Used to guide the development of a new program.

Example: Clean Power Plan Guiding Principles

1. Achieve meaningful emissions reductions
2. Maintain grid reliability, with portfolio diversity
3. Work with other States or Tribes to make mutually beneficial emissions reductions

Verde River
Activity

1. Take a few minutes to create your own list of guiding principles

2. Share your list with others at the table

3. Have your table identify the top 3 principles

4. Each table will report their top 3 to the full group
Email: watersofarizona@azdeq.gov

ADEQ Waters of Arizona Website: https://azdeq.gov/woaz

Fossil Creek

Boneyard Creek