Arizona Department of Environmental Quality

Waters of Arizona
Tribal Listening Sessions

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
- Overview of the WOTUS Rule Change
- Listening Session
- Next Steps
OVERVIEW

Trevor Baggio, 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
Current Water Quality Protection in Arizona

- **Point Source Permits**: Yes
- **Set Water Quality Standards**: Yes
- **Enforce Standards**: Yes
- **TMDLs***: Yes
- **Dredge and Fill Permits**: Yes**
- **Nonpoint Source Grants**: Yes
- **Standards Certs. for Federal Permits**: Yes

* 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
What Other States Are Doing

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?

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

1. Stakeholder Meetings
2. Program Outline
3. Statutory Authority If Needed
4. Collaborative Program Development

WE ARE HERE
Next Steps

Robust Waters of Arizona Stakeholder Process

- Initial Meetings: 11/2019
- Program Outline: 6/2020
- Collaborative Program Development: 2021
- Summary Meetings: 2/2020
- Statutory Authority Process, If Needed: 7/2021
- Program Effective: 2023

WOTUS Changes Effective Late Spring/2020
More Information

- Email: watersofarizona@azdeq.gov
- ADEQ Waters of Arizona Website: https://azdeq.gov/woaz