Surface Water Protection Program

December 15, 2020
Welcome

ADEQ Staff Introductions

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ADEQ Water Quality Division
Online Tools

Muted
Not Recording
Different Approach for Input
Feedback During Webinar

Specific questions will be asked for your feedback.

Please submit comments when prompted.

Can provide online feedback as well.
Today’s Agenda

The Program Elements
Initial Protected Waters List
Feedback Questions
PROPOSED PROGRAM: MAJOR ELEMENTS

**Applies Current Programs**
- AZPDES Permits
- Impaired Waters and TMDLs
- Water Quality Standards

**Protected Surface Waters List**
- Defined Listing Criteria
- Initial List & Map
- Public Listing Process

PROPOSED PROGRAM: MAJOR ELEMENTS

**Applies Current Programs**
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**Protected Surface Waters List**
- Defined Listing Criteria
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- Public Listing Process
Defined Listing Criteria

The "Shall List" Waters

The 8 major rivers, drinking water sources, public waters used for recreation and fish consumption, etc.

The "Shall Not List" Waters

Swimming pools, stock tanks, stormwater control features, groundwater, **ephemeral** waters, etc.

The "May List" Waters

Any other state waters when the benefits outweigh the costs.
Discharge into a Protected Water = Requires AZPDES Permit
Discharge to a Protected Water = Requires AZPDES Permit

The discharge *into* the ephemeral does not trigger the need for a permit. The discharge *to* a Protected Water does. The ephemeral wash acts as a conduit to the Protected Water.
No Discharge to a Protected Water:
No AZPDES permit required.

In this instance, a state Aquifer Protection Permit (APP) would be required to protect groundwater quality.
May Discharge to a WOTUS Under Certain Conditions: Discharger may elect to apply for permit if they are concerned that a discharge may occur.

*if an unexpected discharge occurs and no permit is in place, permittee will be in violation of AZPDES permit requirements.

In this instance, a state Aquifer Protection Permit (APP) would be required to protect groundwater quality.
ADEQ’s Protective Shield

- Aquifer Protection Program
- Solid Waste and Haz Waste Regulation
- Surface Water Protections for WOTUS
- Surface Water Protections for Non-WOTUS Waters
- Drinking Water Regulations
- Water Quality Standards
Release into a Wash
Discharge to a Wash
Summary of Initial List
How List was Created
The Map
Process for Changing List
Please enter in the questions box, your response to this question:

Please list any “wet” surface waters which should be **ADDED** to the initial list.

- **Where is the water?**
- **Why should it be added?**

*(Note: Must meet shall or may list criteria)*
The Initial List

Draft Proposal Section 20

8 Major Rivers

Total Perennial & Intermittent Waters 787

86% Appendix B Waters
Initial DRAFT Map

https://azdeq.gov/permittee-meeting-resources
Listing and Delisting Waters: A Public Process

**Draft Proposal Section 3**

**Listing & Delisting Decisions**
- Appealable agency actions, not rules
- The “Shalls” are mandatory
- “May List” waters are discretionary

**Nominations**
- Any person may nominate
- Public notice required
Please enter in the questions box, your response to this question:

Please list any “wet” surface waters which should be **ADDED** to the initial list.

- **Where is the water?**
- **Why should it be added?**

*(Note: Must meet shall or may list criteria)*
Please list any waters which
should be REMOVED from
the initial list.

- Where is the water located?
- Why should it be removed?
Current water quality standards will apply

Can be changed through rule

Will follow the requirements of A.R.S. 49-221.
AZPDES program will apply to protected surface waters

This includes all elements of the AZPDES program

Will not create federal oversight into this program
Current rules will apply without needing a rulemaking.

Can be changed in the future through rulemaking.
Impaired waters and TMDL programs will apply to protected surface waters.

Will not create federal oversight into this program.
Please enter in the questions box, your response to this prompt:

*Please list any waters which should be REMOVED from the initial list.*

- Where is the water located?
- Why should it be removed?
Input Needed
Based on stakeholder input regarding protection of listed surface waters from discharges of material from dredge and fill activities, ADEQ is considering adopting best management practices (BMPs) for these activities.

**What do you think about adding BMPs for construction activities?**
Input Needed
Please enter in the questions box, your response to this question:

Based on stakeholder input regarding protection of listed surface waters from discharges of material from dredge and fill activities, ADEQ is considering adopting best management practices (BMPs) for these activities.

What do you think about adding BMPs for construction activities?
Please enter in the questions box, your response to this question:

List any sections of the draft legislation which are unclear or need refinement.
Additional Input, Feedback
Due Dec 22

Online Feedback
https://www.surveymonkey.com/r/SWPPPSurvey
All comment due: Dec 22

Final revisions to draft legislation by end of year

Submit to Legislature for next session