

Time Asked	Question Asked
01:02:49 PM MST	Sounds good!
01:03:13 PM MST	Coming through very well Mr. DM
01:05:02 PM MST	Congrats, Theresa. ADEQ is fortunate.
01:10:44 PM MST	do tributaries to the 8 mayor rivers get protection? if no, why not? If yes, what criteria will you use?
01:10:49 PM MST	Which take precedent when a Shall List conflicts with a Shall Not List? For example, a stock tank that supports fish consumption?
01:12:19 PM MST	Excellent understandable presentation by Ben Bryce
01:13:28 PM MST	Nice to see you Ben and Trevor!
01:16:47 PM MST	I cannot get sound.
01:16:58 PM MST	How will ESA be addressed with these permits that no longer have a waterway covered by the CWA?
01:17:29 PM MST	At least for me, the sound quality is not great. There is a several second delay between the video and the audio. Also, voices are muffled.
01:18:33 PM MST	How does this affect septic systems at homes and RV Parks
01:20:06 PM MST	What about BLM campers that dump RV tanks on the ground and in washes?
01:21:14 PM MST	Patagonia Mountains: it appears that Sonoita Creek, Alum Gulch and Red Rock Canyon are listed. MISSING AND NEEDS TO BE ADDED: Harshaw Creek
01:21:16 PM MST	This question is too short notice.
01:21:18 PM MST	Are all Outstanding Arizona Waters included?
01:21:26 PM MST	Where is the initial list located?
01:21:37 PM MST	what about vernal pools? No particular name
01:22:01 PM MST	Any surface water supporting ESA federally listed aquatic species (such as fish, amphibians, reptiles,etc.) or State listed aquatic Species of Greatest Conservation Need (SGCN).
01:22:04 PM MST	While not on the list, there is a section of Arizona Canal that is not included on the map. It is a section from about 59th Avenue to the very end of the Canal at Skunk Creek. The City of Peoria Greenway WTP is near the end of the Canal.
01:22:54 PM MST	Why did you remove the ephemerals from the Appendix B list?
01:23:01 PM MST	Granite Creek in Prescott, and it's 10 ephemeral tributary creeks, Butte Creek, Miller Creek, Aspen Creek, Manzanita Creek, etc. This is located in Prescott Arizona
01:23:07 PM MST	No additional waters should be added; the list should be as minimal as possible to acheive the stated goal of protecting drinking and recreational surface water.
01:23:25 PM MST	The Verde River The Virgin River Kana Creek The Bill Williams River Beaver Creek (both wet and dry segments) The San Pedro River The Blue River Sycamore Creek Kanab Creek The San Francisco River Lower and Little Colorado Rivers Ruby Creek Hassayampa River Big Sandy River. All are important to state and federally listed species.
01:23:27 PM MST	All waters should be included unless there is demonstration that they should not be, not the other way around. ADEQ's job is environmental protection, so it should include waters unless someone demonstrates that the water is protected by different programs.
01:24:04 PM MST	Aqua Fria River in Prescott Valley, and Lynks Creek in Prescott Valley.
01:24:20 PM MST	Why are irrigation canals in Yuma included?
01:25:00 PM MST	There is a break in the river between Show Low and Snowflake that should be connected. FEMA does this due to incised in canyon Are groundwater seeps (perennial, intermittent, ephemeral) that flow into protected waters also protected? These are often in headwater areas and places where CAP water is being used with a conservation strategy--enough that there are volumes that can flow into larger-order streams (including the 8 listed rivers)
01:25:11 PM MST	how do you add comments?
01:25:26 PM MST	What are the costs you are taking into account in listing or not?
01:25:38 PM MST	Will we receive a response to our request to add a waterway?
01:25:44 PM MST	
01:25:53 PM MST	Pinto Creek near Miami AZ. Pinto is perennial if not over pumped by nearby mines. Is eligible for Wild and Scenic River designation - should be a protected water.
01:27:07 PM MST	An earthen tank is man-made. You will need to better define what is and is not a stock tank.

01:27:48 PM MST Regardless if there are fish in stock tanks, they maybe should be considered as they are important for wildlife as well as cattle. They are extensive throughout Arizona.

01:28:39 PM MST Wet Beaver Creek, Dry Beaver Creek near the Verde River, East Clear Creek in Coconino National Forest, Oak Creek north of Sedona, Tonto Creek near Gisela, Granite Creek in Prescott, New River in north PHX is seasonally wet

01:28:45 PM MST The definition of a stock tank illuminates the fact that it will dry up on occasion...therefore they should never be listed for fish consumption.

01:28:53 PM MST Please add Skunk Creek -

01:29:26 PM MST tanks? Not like a metal tank, but a tank in the forest for agricultural purposes?

01:29:33 PM MST Rock Creek Matagal Mountains-Three Bar Wildlife Area

01:29:56 PM MST O'Donnell Creek Santa Cruz County south of Elgin

01:29:56 PM MST Please confirm that applicants can choose to be permitted for a discharge to the ephemeral and be afforded the permit shield. That's what I thought I heard Ben say.

01:30:20 PM MST Skunk Creek stretches about 30 miles from about New River Mesa northeast of Anthem to confluence of New River.

01:30:33 PM MST Green Bush Draw Cochise County.  
Green Bush Draw is an ephemeral water that feeds directly into the San Pedro River. It is a major contributor to the River and collects over 75 miles of watershed and headwaters from both sides of the border.  
Preliminary data collected by citizen scientists from ADEQ shows high e. coli levels during storm flow. Therefore any discharges should be regulated

01:31:00 PM MST The Virgin River

01:31:06 PM MST Lynx Creek, Hassayampa River Prescott area

01:31:10 PM MST Anyone can pump a river dry. What happens then to the protection?

01:31:17 PM MST So, you are including the entire Gila River channel whether ephemeral or not?

01:31:38 PM MST Miller Creek, Prescott

01:32:21 PM MST Many stockponds are built to contain intermittent and ephemeral flows to increase the availability of water. If I create a stocktank on a protected stream, does it "unprotect" it?

01:32:23 PM MST Canelo Cienega Santa Cruz County south of Elgin

01:32:31 PM MST Asking for feedback using webinar software that is not familiar to most citizen is unreasonable. Giving these citizens one week before Christmas to provide this feedback is also unreasonable.

01:32:38 PM MST Indian Bend Wash?

01:32:42 PM MST Harshaw Creek

01:33:30 PM MST Please explain what is happening with the Outstanding Waters program with this legislation?

01:33:58 PM MST Irrigation canals in and around Yuma

01:34:01 PM MST No waters should be removed.

01:34:02 PM MST Red Lake

01:34:15 PM MST Holy Moses Wash

01:34:29 PM MST How are federal programs like 303(d) implemented on each of the three types of lists? Suggest working closely with AzGFD GIS folks to identify channels that have supported TE or sensitive Aq. Species, or fish migration corridors during wet periods, e.g anyplace where fish have been collected in intermittent or ephemeral channels would indicate a migratory opportunity.

01:34:34 PM MST Sawmill Wash

01:35:25 PM MST Isolated waters that do not continue downstream to a TNW should be removed from the list (these are not WOTUS as well).

01:35:55 PM MST No waters should be removed. This list is already too limited.  
So the water quality standards will remain for the 86% of waters still on the proposed list. The other 14% of waters will no longer have water quality standards associated with them?

01:35:59 PM MST Queen Creek headwaters is ephemeral and should be removed.

01:36:28 PM MST Will a AZPDES permit be required on a surface water already covered by SDWA?

01:36:35 PM MST Lynx, Hassayampa because they contribute to aquifer recharge, significant recreational use including fishing, and both are impacted by historical mining, as well as Lynx by current unpermitted mining discharging directly to creek and are unpermitted. Miller Creek gets significant recreational use including full body in some cases, & because of old septic impacts and animal waste (especially dogs, horses and turkeys.

01:36:48 PM MST Big Bug Creek and Dry Beaver Creek are ephemeral and should be removed.

01:37:00 PM MST Will this apply to urbanized and rural waters equally? This County is large. The SWPP looks labor intensive.

01:37:36 PM MST

01:37:46 PM MST When you issue an general permit, like a CGP, would a permit issued to an area in AZoW, woud the permit look the same? Would you remove references to the CWA?

	Modify 2.G.A. to A) DITCHES OR CANALS, UNLESS USED TO TRANSPORT DRINKING WATER. NOTWITHSTANDING, YUMA PROJECT, GILA PROJECT, AND CENTRAL ARIZONA PROJECT CANALS SHALL NOT BE INCLUDED IN THE PROTECTED SURFACE WATERS CHECKLIST;
01:38:03 PM MST	
01:38:30 PM MST	Will this program adhere to the Arizona State Historic Preservation Act or the National Historic Preservation Act?
01:38:33 PM MST	Effluent Dependent waters, Ephemeral waters regardless of OAW status,
01:39:01 PM MST	Can you please discuss whether the Willcox Playa is a proposed protected water?
01:39:27 PM MST	Red Lake is a dry lakebed with no connection to anything.
01:40:06 PM MST	Holy Moses wash is ephemeral as is Sawmill Canyon wash.
01:40:27 PM MST	WOTUS should be removed from the list since they already have federal protection (this is just duplicating protection).
01:40:40 PM MST	Why weren't OAWs used as a criteria?
01:40:44 PM MST	Is the program name set in stone? SWPP is going to be confused with SWPPP. I would appreciate the opportunity to avoid that headache. Thank you.
01:40:55 PM MST	Wellton Canal, other irrigation canals
01:40:59 PM MST	No waters should be removed.
	Modify 2.G.A. to A) DITCHES OR CANALS, UNLESS USED TO TRANSPORT DRINKING WATER. NOTWITHSTANDING, YUMA PROJECT, GILA PROJECT, AND CENTRAL ARIZONA PROJECT CANALS SHALL NOT BE INCLUDED IN THE PROTECTED SURFACE WATERS CHECKLIST;
01:41:07 PM MST	Why - per our dicussion with David and Trevor. Yuma and Gila Project Canals should be removed for the same reasons the CAP is not included. Federal ownership, no discharges allowed by rule, volume of water conveyed for drinking is minimal.
01:41:14 PM MST	How does this program differ from the navigable Waters Protection Rule. Initially this proposed program was put in place to afford protection to the ephemeral washes that lost protection after the NWPR was put into place.
01:41:27 PM MST	Has intermittent been defined? How many days per years must flow be present to be considered intermittent?
01:41:27 PM MST	Does the list. which is not readily apparent at the URL shared, include why? Y'all need to list the whys waters were included or excluded. Thanks.
01:41:29 PM MST	I don't understand why irrigation canals downstream of WOTUS would be included. They are not used for drinking water that I'm aware of .
01:41:36 PM MST	despite the link offered, I can't find the list and still have not received an answer to my question - were the current OAWs included or not?
01:41:42 PM MST	General Question, What about indirect disharges that could impact listed waters. e.g. Septic systems near listed waters.
01:41:57 PM MST	added
01:42:14 PM MST	Effluent section of Cienega Creek
01:42:19 PM MST	miller, lynx, hassayampa: ADDED
01:42:26 PM MST	Only include Interstate waters as specified by EPA
01:42:49 PM MST	While Rules address setback from adjacent washes. Sometimes, depending on soils, that swetback is not enough. May be require higher quality treatment if you are near an impaired waters.
01:43:25 PM MST	Remove lined artificial waters/ponds and canals if not dischargeing to listed waters
01:43:38 PM MST	removal of ephemeral washes should not occur without tribal consultation
01:43:40 PM MST	How would this new AZ Waters program interact with the CWA if the Biden Administration reverses the June 2020 CWA Rule change?
01:43:40 PM MST	Black Wash is Ephemeral
01:43:48 PM MST	Where is this response toolbar that Theresa spoke of?
01:43:58 PM MST	where in the legislation? aa quick search reveals nothing
01:43:58 PM MST	The request is not to remove canals in the Yuma Area but to exclude the Yuma and Gila Projects and exclude them as the Central Arizona Project is excluded. There is no distinguishable difference in the Yuma and Gila Projects from the Central Arizona Project.
01:44:07 PM MST	Red Lake should be removed because it is an isolated basin which does not flow towards a Waters of the US
01:44:11 PM MST	Ephemeral sectin of Cienega Creek
01:44:53 PM MST	Gold Gulch and Whitewater Draws in Cochise County are ephemeral
01:45:11 PM MST	Hope about you separate the list into a stand-alone document. Not appreciating the scavenger hunt.
01:45:22 PM MST	Is the list imbedded in draft legislation currently accurately represented in the SWPP stream and lake layers found in the ADEQ eMaps?
01:45:38 PM MST	If you don't see the menu bar, you can go to the "window" menu and select the "GoToWebinar control panel"
01:45:41 PM MST	Intermittent waters that are 50 or more miles from a perennial water or that are lagging limbs of stormwater dependent discharges

01:45:45 PM MST Without going into specifics, I see some waters on the initial list in the bill that are categorized as ephemeral in Appendix B. Is that an oversight, or did ADEQ deliberately list in the bill some waters that are classified as ephemeral in Appendix B?

01:45:49 PM MST who can I talk to - to better understand why Turkey Draw outside Heber is included and portions of Oklahoma Flat in Overgaard?

01:45:53 PM MST It would be helpful for people as well to see the new map that was created instead just the list...

01:46:04 PM MST Does the list match with the map?

01:46:10 PM MST Going back to waters to be added, the disposition of effluent dependent waters still needs discussion/resolution. Part of this is a value judgement as to the value of a EDW.

01:46:15 PM MST How are you separating ephemeral from intermittent streams? The distinction depends on drought conditions, prior groundwater withdrawals, and other factors.

01:46:36 PM MST Modify definition of Aquifer as Colorado uses 5.2.2 "Aquifer" means a hydrogeologic unit consisting of an interval, or hydraulically connected intervals, of consolidated and/or unconsolidated rock material that is capable of storing and transmitting water.

01:46:50 PM MST Where online can input be added later?

01:47:01 PM MST (as long as not used for mining or commercial discharge) remove isolated very small waters on the mogollon rim where depth to groundwater exceeds 1000 ft and no connection to surface waters otherwise because pollutants to GW risk minimal, and not connection to SW

01:47:53 PM MST This removal process seems more like a political exercise than a scientific one.

01:47:54 PM MST Have you all worked with Arizona Navigable Stream Adjudication Commission?

01:48:18 PM MST I understand dischargers to canals that serve as source waters (i.e. to surface water treatment plants) will have to have an AZPDES permit but what about the canal operators themselves. This current feature of AZPDES helps to ensure surface water plant operators are ensured stability in their source water.

01:48:46 PM MST <https://www.ansac.az.gov/>

01:50:16 PM MST Most ephemeral waters discharge to protected waters it seems that you are saying almost all water would be regulated.

01:50:36 PM MST Please clarify what level/type of evidence is necessary to add or remove waters from the list.

01:50:44 PM MST Ben - what you just stated regarding exclusion of ephemerals, specifically contradicts or is confusing with Slide # 2 of the ephemeral connections...

01:51:09 PM MST So a discharge to an ephemeral water will not be protective of aquatic life and partial body contact? (Let's have a public discussion about this).

01:51:43 PM MST OK, so now Ben says you can't issue a permit on a water that is ephemeral. So that seems to contradict the earlier statement about allowing applicants to choose....This is confusing.

01:53:18 PM MST Recieve signal just dropped out.

01:53:21 PM MST Above and beyond the SWPP?

01:53:23 PM MST Adding BMPs are a terrific idea.

01:53:30 PM MST Too much duplication with the 404 program on WOTUS.

01:53:33 PM MST I think it is a good idea to have BMPs for construction work .

01:53:35 PM MST BMPs don't have any enforcement power, do they?

01:53:37 PM MST How would BMPs work? Is there an analogous ADEQ program?

01:53:40 PM MST Can you show us the question again please

01:53:42 PM MST BMPs should be added.

01:53:52 PM MST Support 100% BMPs

01:53:53 PM MST Yes, BMPs should be required for construction - seems like a it should be a basic requirement and am pretty surprised they aren't already.

01:53:57 PM MST Can these BMPs be changed and updated over time?

01:54:00 PM MST Are BMPs voluntary (guidelines) or enforceable? Who will decide BMPs?

01:54:00 PM MST How will BMPs be as effective as requiring a 404 permit?

01:54:01 PM MST What is the likelihood that the Biden Administration will roll back the ACOE WOTUS changes made during the Trump Administration? Are the ACOE WOTUS changes by executive order, congressional legislation or EPA policy changes?

01:54:02 PM MST Can you switch it back to the questionnaire slide?

01:54:05 PM MST BMPs are a good concept, but under what authority will they be required? How would ADEQ even know the activity is taking place?

01:54:05 PM MST BMPs like ADOT's manuals?

01:54:16 PM MST BMP's should mirror the current 401 certification BMP's but be modified to relate to the activity and the water effected.

01:54:17 PM MST Yes, ADEQ should adopt BMPs for activities that could impact water quality, such as dredge and fill.

Fill deposited in ephemeral channels has a nasty habit of moving downstream during stormwater runoff and may reach and adversely impact habitat features in downstream intermittent or perennial waters over time, admittedly maybe long periods of time. Recognize the scientific validity of Levick et al 2008 The Ecological and Hydrological significance of ephemeral and intermittent streams in the arid southwest.

01:54:19 PM MST Thank you for the appropriate link. BMPs should definitely be added for all those mentioned activities as well as doe potential Section 106 and ESA impacts.

01:54:27 PM MST Additional BMPs above and beyond those required for SWPPPs?

01:54:27 PM MST Why not just include dredge and fill to non-WOTUS under the AZ CGP? Require SWPPP and associated BMPs?

01:54:30 PM MST can you show that question about dredge and fill again please

01:54:40 PM MST This question about BMPs assumes that these water bodies where dredge/fill activities are occurring are NOT listed as Surface Water?

01:54:41 PM MST BMPs will not protect these waters. There should be regulatory requirements. There should be times when activities are just not allowed. There should be mitigation. There should be requirement that these are in the public interest.

01:54:41 PM MST BMPs are a good idea for dredge and fill, but would that require permitting to enforce or regulate?

01:54:42 PM MST use landscaping practices that prevent erosion

01:54:49 PM MST Do not agree with adding BMPs or regulation of dredge and fill activities on non WOTUS waters by ADEQ - there needs to be a clear distinction between what ADEQ regulates and does not regulate

01:54:52 PM MST I think that would be an excellent idea. It is a great proactive approach to addressing activities with the potential to cause harm.

01:54:55 PM MST Codifying a BMP could limit ADEQ and would no allow advances in technology to be allowed.

01:54:56 PM MST Will they trigger the State Historic Preservation Act?

01:54:59 PM MST How will the new rules change ARS 49-145.01 or will it? Is this how the APP will be implemented to protect groundwater in the current program for surface discharges to ephemeral?

01:56:23 PM MST using practices to conserve and reduce the amount of sediment reaching water bodies, overall protecting water quality

01:56:32 PM MST BMPs make sense. Exemptions in 33 USC 1344(f) should be carried over in the state program. BMPs also need to be tailored to the situation. For example, for canals included in the state program, canal maintenance activities during dry up are very different than activities in natural water bodies

01:56:32 PM MST Thanks Ben - how would this process relate to an MS4 that only has ephemeral in its jurisdiction?

01:56:34 PM MST pertaining to this slide...what if the groundwater is connected to the surface water?

01:56:44 PM MST Then APP must be designed to protect surface water?

01:57:14 PM MST BMPS - would have to see a list of BMPs and activities that would need them. Construction, etc.

01:57:18 PM MST Most EDWs don't flow into protected waters.

01:57:18 PM MST If your discharge doesn't reach a protected water, then you don't need a permit?

01:57:21 PM MST Regarding construction BMPs for activities within ephemeral waters - isn't that covered under CGP permitting?

01:57:38 PM MST Most of QC Wash runs through several jurisdictions before it gets to the covered water.

01:57:49 PM MST Question answered; thanks

01:58:42 PM MST using native vegetation strips to provide addition barriers of protection which prevent potential pollutants from running off into ground and surface waters

01:58:46 PM MST The reason this is so complicated is because of the AZ regulation that says our regs cannot be more stringent than federal regs, a very low bar now with federal regs not allowing ephemerals to be covered.

01:58:50 PM MST To address ESA, will ADEQ help permit-seekers through the Section 10 process for a Section 10 permit should their project potentially impact listed species?

01:59:05 PM MST Are stormwater detention basins discharging into an ephemeral wash connected to a protected water considered a discharge?

01:59:09 PM MST BMPs are not as protective as a permit requirement, but in absence of a permit enforceable BMPs would be useful. Construction activity in wet waters can be very harmful without a permit requirement.

01:59:13 PM MST BMPs sound like a back door into dredge and fill regulation.

01:59:15 PM MST I feel BMP's should be imposed to insure the water way regardless of ephemeral or direct. Requiring a permit will help hold the projects accountable for any possible deliberate or accidental toxic spill entering a water source.

01:59:44 PM MST BMPs should be added.

02:00:01 PM MST can you direct us to the language in the proposed legislation that authorizes DEQ to require a permit for a discharge channeled through an ephemeral to a protected water?

02:00:16 PM MST Would BMPs be in addition to 404 requirements?

02:00:19 PM MST	Since water quality standards are not applicable in non-navigable, non-protected waters, I assume that R18-11-108. C&D could not used to protect from construction type discharges.
02:00:32 PM MST	Cleaning stock tanks should be exempt.
02:00:36 PM MST	If ADEQ adopts any BMPs by statute or rule, need to make sure they don't apply in WOTUS (will be covered by 404 and 401 certification in lieu of the BMPs).
02:00:45 PM MST	How will you determine the likelihood of a discharge into an ephemeral reaching a protected water?
02:00:55 PM MST	How would these be different from BMPs under the CGP?
02:01:12 PM MST	Need BMPs
02:01:43 PM MST	Yes to BMP's
02:01:46 PM MST	How do we decide if a discharge is going to make it through an ephemeral to a WOTUS or to groundwater?
02:01:48 PM MST	More specifically, are stormwater detention basins designed for groundwater recharge in an ephemeral wash connected to a protected water subject to AZPDES?
02:02:27 PM MST	BMPs to protect waters are good in general above the OHWM because it is easier to stop pollutants before they enter than to mitigate after, especially in locations where materials, chemicals, disturbed highly erodable surface created where pollutants may be present that otherwise wouldn't enter the water until final stabilization, If basic scrape out creek and dump to maintain line and grade, no unless sensitive fish and or other aquatic wildlife risk
02:02:28 PM MST	What will happen to the current ILF 404 Mitigation programs and how will they be able to continue with implementation of these changes?
02:02:41 PM MST	BMPs are not a substitute for regulation; they should be a foundation for it.
02:03:53 PM MST	The CGP is part of AZPRDES
02:05:13 PM MST	(Got in late so sorry if ths has been dealt with) But what percentage change would there be of current protected/permitted ephermeral waters by this program to unprotected/ not subject to a permit. In additon to the percentage change, milege if possible.
02:07:02 PM MST	Agricultural activities should be exempt.
02:07:42 PM MST	I understand Stormwater, but the SWPP is looking like an expanded MS4 program that incorporates non-urbanized areas. Is that a fair statement? Q: (Got in late so sorry if ths has been dealt with) But what percentage change would there be of current protected/permitted ephermeral waters by this program to unprotected/ not subject to a permit. In additon to the percentage change, milege if possible.
02:07:42 PM MST	Given that the protected waters overlap with some WOTUS as determined by Corps, how does ADEQ sort out when the nonWOTUS rules and programs apply? We can expect that there will be a lot of change in the future as Corps makes determinations in the new rule.
02:07:48 PM MST	BMP's should be added for ephemeral construction - need protection for downstream property owners from channellization or diversions that can cause water to flow across land previously dry during storm events.
02:08:15 PM MST	Would it be possible to require BMPs for all "general permit" type activities but require something more for the kind of activities that would have required an individual 404 permit to PSW (which is probably less than 20/yr)?
02:08:27 PM MST	Regulation of dredge and fill activities in non WOTUS waters by ADEQ would set up two systems for regulation in AZ - on WOTUS waters and the other regulated waters of the state
02:08:38 PM MST	(Got in late so sorry if ths has been dealt with) But what percentage change would there be of current protected/permitted ephermeral waters by this program to unprotected/ not subject to a permit. In additon to the percentage change, milege if possible.
02:09:01 PM MST	(Got in late so sorry if ths has been dealt with) But what percentage change would there be of current protected/permitted ephermeral waters by this program to unprotected/ not subject to a permit. In additon to the percentage change, milege if possible.
02:09:42 PM MST	BMP's are generally good. I would not want to be in a situation whereby BMP requirements for minimal construction activities. Have some sort of BMP requirement for significant construction

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02:10:22 PM MST	Flood control regulations will address some issues being raised regarding effects of activities on downstream flow.
02:11:07 PM MST	How would the OHWM of protected waters be established? Would ADEQ use federal guidelines or develop new guidelnies?
02:11:08 PM MST	The term "ephemeral water" is getting used a lot. I don't believe this is a correct term. Should it not be "ephemeral stream"? Is there such thing as ephemeral water?
02:11:17 PM MST	require more or better oversight for those issued grazing permits by Feds or State to mitigate animal pollution and erosion in the waterways
02:11:49 PM MST	Needs further clarification of process utilized to list and delist protected waters.
02:12:02 PM MST	Is section 5.B supposed to be in reference to the Protected surface waters? The previous paragraph referenced navigatable waters.
02:12:09 PM MST	Definition of Intermittent needs to be more clear - how long does flow need to persist? What flow distance? What about flows from a stock tank, does that make a water intermittent?
02:12:15 PM MST	49-221.G.2.A Which canals transport drinking water as opposed to raw water?
02:12:28 PM MST	How will you measure "social, environmental and econoic benefits" of adding a water to the list?
02:12:40 PM MST	ephemeral and intermittent definitions with the drought we have experience over last many years. We have not seen some washes flow in many years,so maybe adding in a historic normal rainfall year
02:12:56 PM MST	How do we differentiate between federal jurisdictional waters from state jurisdictional waters? What if a project spans both jursidictions? Does your GIS system have the ability to do the assessment of which jurisdiction applies?
02:13:21 PM MST	When adding or deleting waters, there should be public notice and comment period. Currenting the draft documents does not appear to say this.
02:13:23 PM MST	Section 2, G.1.D, it seems like the legislative body is allowed to change list like the director but is not held to the same metrics as the director's decision.
02:13:27 PM MST	One thing I'm concerned about is the definition of a water as perennial to intermittent to ephemeral based off activity that can change stream flows. How will it be protected and how will ADEQ work with ADWR into the future. I see a large disconnect between the agencies.
02:13:35 PM MST	What was the basis for regulating the 8 major rivers including their associated ephemeral reaches?
02:13:46 PM MST	Waters that ephemeral and on this list such as the Santa Cruz River excepting where it is effluent dependent don't make sense - why are they included and is there a change for them to be removed?
02:13:55 PM MST	How protecting waters support wildlife. need definitive language or at least more discussion to clarify intent
02:13:57 PM MST	Why don't you plan to add/remove waters during an annual public review process?
02:14:04 PM MST	Is there opportunity for public input if waters are removed?
02:14:09 PM MST	What criteria would the legislative use to add or subtract a water? Having a consistent method and criteria for what makes a water regulated or not would be helpful.
02:14:13 PM MST	What is an EDW?
02:14:13 PM MST	when adding or removing waters - need public comments as well as a response to the public comment. Not just public notice.
02:14:15 PM MST	What will Tribal consultation look like under this program? How are wetlands protected? Isolated waters? The decision to include the eight waters as well as any ephemeral sections seems arbitrary. Why not include other major rivers and their ephemeral sections?
02:14:33 PM MST	Section 7 49-234 D. (2.) needs to better clarify what it's breath of permitting for non-point sources under an expanded TMDL program includes.
02:15:01 PM MST	If an EDW is otherwise ephemeral, is it a "shall not"

02:15:09 PM MST	Inadvertent omission in 49-250.B.16 (APP Exemptions)? (blue language below is currently not in the draft) 16. Discharges to a facility that is exempt pursuant to paragraph 6 if those discharges are regulated pursuant to 33 United States Code section 1342 OR TITLE 49, CHAPTER 2, ARTICLE 3.1.
02:15:11 PM MST	How will the weight of "economic, environmental, and social benefits" and the "economic, environmental, and social costs" be determined? Will this include tribal consultation?
02:16:04 PM MST	Mentioned before - more clarity on paragraph - livestock and wildlife water tanks and aquaculture tanks. needs revision.
02:16:32 PM MST	I think covering ephemeral that contribute to the 8 rivers covers this...but we should look at how the activity can impact someone's water right. If I have a certain water right then that water should have state water quality protection as well.
02:17:28 PM MST	Can you clarify - restate - at some point, where the BMPs would apply? Only in ephemeral waters or in wet waters also, and only for 404 activities? Thanks.
02:17:44 PM MST	Will you include ecosystem services in the economic benefits?
02:18:10 PM MST	The legislation should have sufficient standards to measure against - whether to add a water, what is a valid tribal claim.
02:18:12 PM MST	raindrop tool!
02:18:53 PM MST	The agricultural exemption should be broader and include all manmade water features used in ag, including sumps, upland reservoirs and drains.
02:20:12 PM MST	How "nature works" on discharges to protected waters is that big rains wash EVERYTHING downhill.
02:20:41 PM MST	Really happy to hear that ADEQ sees the Pretreatment program as important and will keep it under the state program. It is very important for the wastewater plant to control what is coming in. And this sometimes the only thing I can use to combat high dollar industries from talking political leaders into allowing them to off load pollutants to our plant.
02:22:33 PM MST	How are we going to treat "Navigable" waters? Which waters are navigable?
02:23:58 PM MST	Who would be eligible to appeal the decision about adding or removing waters?
02:25:00 PM MST	Excavations in upland that intersect the water table or constitute a tributary conveying surface water runoff to a protected water should not be considered uplands any more. A suggested rewording: 46. "UPLAND" MEANS ANY UNEXCAVATED LAND AREA THAT, DOES NOT MEET THE DEFINITION OF WETLAND, INTERMITTENT OR PERENNIAL WATER, AND DOES NOT LIE BELOW THE ORDINARY HIGH WATER MARK OF A WATER OF THE STATE.
02:25:54 PM MST	23. "INTERMITTENT WATER" MEANS A SURFACE WATER OR PORTION OF SURFACE WATER THAT FLOWS CONTINUOUSLY ONLY AT CERTAIN TIMES OF THE YEAR, AS WHEN IT RECEIVES WATER FROM A SPRING OR FROM ANOTHER SURFACE SOURCE, SUCH AS MELTING SNOW. AN INTERMITTENT WATER MAY ALSO BE AN EFFLUENT DEPENDENT WATER.
02:26:24 PM MST	Why does the legislation change so that Intermittent and perennial waters can become EDWs?
02:26:49 PM MST	Will the BMPs include environmental and cultural requirements?
02:26:57 PM MST	Because of need to reconcile w/ federal agencies and prevent overlap, why not define OHWM (49-201(29)) the same as the Corps does?
02:27:50 PM MST	Will the term discharge include overflow from stormwater retention facilities?
02:29:02 PM MST	Channels and ditches that route non-potable water are not regulated. Does this give mining a green light to discharge pollutants that could impact groundwater? This type of discharge might be covered under the stormwater pollution protection.
02:29:06 PM MST	When will an updated draft be made available??
02:29:08 PM MST	Did the Department consider any distance requirements when ultimately including discharges flowing through ephemeral washes to a protected water? If so, why or why not?
02:29:08 PM MST	How will ADEQ ensure that targeted water additions will not be used to stop development?
02:29:24 PM MST	The following comment addresses Mr. Baggione's response about the opportunity now to create a state program while the incoming (Biden) administration revises the Trump WOTUS and CWA determination. The 'no more stringent than' concept in the existing and proposed draft legislation squanders an opportunity for the state and ADEQ to create a statute that fits Arizona's desert climate and more strongly protects our water quality. The state should be allowed to promulgate rules that ARE more stringent where it makes sense for our state. A good example is the opportunity to make all ephemeral streams a type of water that would be protected. The burden presenting evidence for taking them OFF a protected list should be placed on an applicant.
02:29:24 PM MST	Very important to let people comment on addition or removal of protected surface waters!
02:29:48 PM MST	What is (or is not) the overlap between the AZ definition of intermittent waters (49.201(23)) and the new federal definition of intermittent waters?

02:31:38 PM MST	Would ADEQ use the federal definition of wetland or develop a new definition?
02:32:43 PM MST	Perennial and Intermittent cannot be an EDW based on the specific definition of an EDW which states and EDW is a surface water that "WITHOUT A POINT SOURCE DISCHARGE OF WASTEWATER, WOULD BE AN EPHEMERAL WATER.
02:33:27 PM MST	Still are big breaks in the Santa Cruz on the map.
02:33:52 PM MST	please show comment link again
02:34:27 PM MST	Does ADEQ have permission from the Governor to pursue this legislation?
02:34:29 PM MST	Do you now have permission of the Governor's office to run this legislation?
02:35:00 PM MST	In light of Trevor's last comment, does that mean ADEQ does not intend to engage in a consultation with any Arizona Indian tribes?
02:35:32 PM MST	How is this proposed rulemaking protect waters more than current NWPR?
02:36:15 PM MST	Question on Legislation: Have you met yet with the House and Senate Committee Chairs yet?
02:37:29 PM MST	Little Colorado River is currently represented by many blue lines - what is the area that is protected? where is this defined? 1. Protection of waters inhabited by federally listed threatened and endangered species should be mandatory by the Director.
02:37:50 PM MST	
02:38:44 PM MST	+ opportunity to understand process
02:38:54 PM MST	+ thoughtful responses
02:38:54 PM MST	+ Thank you for the virtual sessions. They are usually well organized.
02:38:58 PM MST	+ webinar management
02:39:10 PM MST	+ staff time and commitment
02:39:10 PM MST	+ questions where we get immediate feedback of responses
02:39:10 PM MST	If the APP has authority to address illegal discharges to washes, why is ephemeral water protection needed?
02:39:12 PM MST	+++++
02:39:14 PM MST	+ read everyone's response as written - with out censure or opinion
02:39:19 PM MST	I suggest adding text in ( ) below: Section 1. Section 49-201 23. "INTERMITTENT WATER" MEANS A SURFACE WATER OR PORTION OF SURFACE WATER THAT FLOWS CONTINUOUSLY ONLY AT CERTAIN TIMES OF THE YEAR, AS WHEN IT RECEIVES WATER FROM A SPRING, (FROM AN ELEVATED GROUNDWATER TABLE), OR FROM ANOTHER SURFACE SOURCE, SUCH AS MELTING SNOW. AN INTERMITTENT WATER MAY ALSO BE AN EFFLUENT DEPENDENT WATER.
02:39:19 PM MST	I think webinars are great. Lets you control the meeting and keeps everyone from talking at once.
02:39:20 PM MST	+Presentation format
02:39:22 PM MST	+ I appreciate your efforts at a very challenging task
02:39:25 PM MST	+ fluid conversation between presenters, respectful of audience and each other.
02:39:26 PM MST	P = outreach to all stakeholders, clarity in terms of online resources... including maps.
02:39:26 PM MST	+Today's session was a good attempt to engage the audience and get feedback.
02:39:27 PM MST	- specifics or breakouts would be nice
02:39:30 PM MST	+++ Appreciate the stakeholder engagement; sessions are well-organized
02:39:31 PM MST	Thank you for the webinar.
02:39:32 PM MST	+ Well organized, plenty of opportunities for feedback, kept moving along
02:39:33 PM MST	^more public notice and discussion
02:39:38 PM MST	Plus: Too much time was spent during the past year doing closed door meetings and not enough on more open meetings like this one. could improve virtual sessions by putting the questions you want feedback on where we can see them (not on a slide that you go away from)
02:39:41 PM MST	+ Doing a great job! I know this is a complicated and your having to navigate so many interests.
02:39:42 PM MST	+ well organized. I appreciate the thoughtful responses.
02:39:43 PM MST	Very well organized. Clear examples. Plus
02:39:49 PM MST	- Sending out questions prior to this meeting would have enabled me to prepare comments so they are concise and well thought out.
02:39:51 PM MST	+ Love doing the meeting this way
02:39:52 PM MST	+efforts are appreciated
02:39:54 PM MST	+Goto Webinar works well
02:40:03 PM MST	-Provide questions in advanced to help participants better prepare for the meeting.
02:40:08 PM MST	+good use of chat window for comments/questions; efficient to have 1-2 dedicated persons to monitor and real-time engagement for questions and comments ADEQ has done an A+ job with outreach on the surface water protection program. In person meetings would be more interactive, but the virtual environment has allowed more people to get involved.
02:40:14 PM MST	Appreciate the efforts of ADEQ in the form of these webinars.
02:40:15 PM MST	I like the webinar format better, questions are easily answered and it is easier to concentrate and what is being presented.
02:40:18 PM MST	

02:40:22 PM MST	Being able to see the questions as written would help me understand them. In other processes, collected comments have been made available post-session, which would be great here.
02:40:28 PM MST	+I like having senior management on this webinar
02:40:29 PM MST	Please address Maui case.
02:40:31 PM MST	+ Engagement has been frequent and clear, moreso than other state governments which has been great. Providing links to online sources is also helpful
02:40:39 PM MST	Appreciate your efforts to find time and visit with us. A posted list of comments would be helpful.
02:40:41 PM MST	Can you put back up the slide that defined shall, shall not and map waters?
02:40:46 PM MST	+ great job. transparent and candid communication. enjoyed you reading the responses
02:40:55 PM MST	Plus: Outreach has been fabulous. ADEQ has been open and willing to meet with everyone. Maps are great and continued emphasis on those maps will be appreciated.
02:40:59 PM MST	Plus: This web meeting software is less transparent than other types I have experienced.
02:41:11 PM MST	+ ADEQ should continue using webinar format in the future!
02:41:16 PM MST	Δ - if the event isn't being recorded and shared after, it should be
02:41:24 PM MST	A lot of information to cover. Hopefully we achieve just the right amount of regulation.
02:41:35 PM MST	Need to post the slide deck at the start of the meeting.
02:41:35 PM MST	+ having an eye for protecting our groundwater by protecting surface water that could have contaminants. This is of essential importance!
02:41:43 PM MST	Is this webinar being recorded? If so, where can I access so I can re-watch?
02:42:03 PM MST	+Theresa is a great facilitator
02:42:37 PM MST	Where are "drinking water sources" defined? Statute or rule citation?
02:42:40 PM MST	Will the feedback from the meeting be posted (e.g., comments submitted)?
02:42:41 PM MST	I disagree that the engagement has been strong and transparent. The whole SAG process was not. Those meetings should have been open to the public for at least listening in.
02:42:48 PM MST	- ADEQ and ADWR need to work more together
02:43:13 PM MST	Would the draft leg limit local governments from implements local ordinances to regulate surface waters?
02:43:22 PM MST	Please consider providing answers to any questions in patches (you folks decide how to categorize) instead of waiting for responses to all the questions.
02:45:28 PM MST	Would there be a way to have staff just record what they have presented from ppt. It is frustrating that we don't get the notes to print and make our own notes on what is being presented.
02:45:44 PM MST	On the ADEQ-arcgis eMap and referencing what should be included in protected surface waters, there is an "Unnamed tributary to Voluneeer Wash" and two Reservoirs, #1 and #2 located at Camp Navajo in Bellemont AZ. Since they are noted on the map- is this meaning that they will be protected surface waters and will they be included in the initial list?
02:45:57 PM MST	Are discharges through groundwater to be regulated under this proposed program?
02:46:07 PM MST	good job Ben on the fly!
02:46:59 PM MST	One final question - what is included in "stormwater control features"?
02:47:00 PM MST	Why is ADEQ keeping in that quite arbitrary no more stringenet than the feds language? If AZ is going truly have a protected waters programs, then that language should go.
02:47:05 PM MST	Thanks to all of you for today's presentation. It was helpful.
02:47:12 PM MST	Mule Gulch near Bisbee. Impaired reaches of stream not included on map
02:47:30 PM MST	Thank you for the multiple opportunities to comment and to provide feedback.
02:48:15 PM MST	Did Quitoboquito make the Shall Be list?There are endangered species there.
02:48:22 PM MST	Cienega creek - Pantano Wash - Rillito River are ALL ephemeral - they should be removed
02:48:57 PM MST	Barrel Canyon in Pima County is intermittent. Box Canyon is intermittent. There are numerous streams that were determined to be intermittent by PAG and Pima County based on observations during the development of the Sonoran Desert Conservation Plan and put into GIS.
02:49:08 PM MST	Canada del Oro wash is ephemeral and should be removed
02:50:16 PM MST	What is the purpose of describing from the headwaters to an unnamed tributary and the from the unamed tributary to the protected water instead of describing it from the headwater to the protected water?
02:50:30 PM MST	Thank you.
02:52:18 PM MST	Thanks!
02:52:19 PM MST	Thank you for all your work!
02:52:24 PM MST	Thank you.