Surface Water Protection Program

A Proposed Framework

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Welcome

ADEQ Staff Introductions

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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

Granite Creek, Prescott
• Popular for birding and recreation
• Currently impaired for Dissolved Oxygen and *E. coli* based on WOTUS water quality standards

Watson Woods Preserve - Photo Credit Prescott Creeks
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.
Arizona water-based recreation contributes $13.5B to the state’s economy

114,000 Jobs
“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 HAVE WE HEARD?

The NWPR rule is confusing

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

Tucson Stakeholder Meeting: Feb 2020
WHAT HAVE WE HEARD?

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**
  - WOTUS: Yes
  - Non-WOTUS: No

- **Set Water Quality Standards**
  - WOTUS: Yes
  - Non-WOTUS: Yes

- **Enforce Standards**
  - WOTUS: Yes
  - Non-WOTUS: Yes

- **Total Maximum Daily Loads**
  - WOTUS: Yes
  - Non-WOTUS: No

- **Dredge and Fill Permits**
  - WOTUS: Yes
  - Non-WOTUS: No
PROPOSED FRAMEWORK

- Point Source & Storm Water Permits
  - Yes
  - Yes
  - Yes
  - Yes
  - No

- Set Water Quality Standards
  - Yes
  - Yes
  - Yes

- Enforce Standards
  - Yes
  - Yes
  - Yes

- Total Maximum Daily Loads
  - Yes
  - Yes
  - No

- Dredge and Fill Permits
  - Yes
  - No

* Applying currently-existing standards, and revising as needed.
PROTECTED SURFACE WATERS LIST

CLEAN WATER ACT

WOTUS

Arizona’s 8 major rivers

Additional wet waters
Flow Regimes of the 8 Major Rivers
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
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
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 those 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)
EXAMPLE EXCLUSIONS

- Ephemeral waters (other than those 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?
Support for Framework

Launch Poll Question
Please use online survey:
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
UPDATE: FLOW REGIME MAP

Update:

- Finalizing the display for ADEQ eMaps
- Finalizing webpage
- Requests for Shapefiles and data will go through ADEQ Records Center
How would you like to be notified about updates to flow regimes?

- Monthly and by email (via a subscription list)
- Only checking the azdeq.gov website when I need information
- Other, please specify
Your Thoughts?

Launch Poll Question
NEXT STEPS

Revise framework to incorporate feedback

Finalize draft legislation to seek statutory authority