Surface Water Protection Program

A Proposed Framework

November 13, 2020
Welcome

ADEQ Staff Introductions

Trevor Baggio, Director
ADEQ Water Quality Division
Using Zoom

Rename (First Name, Tribal Nation)
Providing Input

Chat
Raise your hand
Online input

Session is not being recorded
Today’s Agenda

- Why do we need a state program?
- Proposed Framework
- Initial Feedback
- Next Steps
- Expedited Permit
- Termination
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
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.
SUSTAIN ARIZONA’S ECONOMY

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

<table>
<thead>
<tr>
<th></th>
<th>Point Source &amp; Storm Water Permits</th>
<th>Set Water Quality Standards</th>
<th>Enforce Standards</th>
<th>Total Maximum Daily Loads</th>
<th>Dredge and Fill Permits</th>
</tr>
</thead>
<tbody>
<tr>
<td>WOTUS</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Non-WOTUS</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>
* 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
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
Can you support this proposed framework?

What other information is needed?

Will you be willing to support potential legislation?
Please use online survey:
https://www.surveymonkey.com/r/AZWater

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

What are GIS eMaps?

A Geographic Information System (GIS) is a computer system that allows you to map, model, and analyze large amounts of data by location. GIS displays information as a series of layers that can be linked together by a common location element such as a street address or road name, latitude and longitude coordinate, or a zip code. Dozens of map layers can be arranged to show information such as schools, vehicle emissions testing sites, air quality, landfills, political jurisdictions and much more.

ADEQ created the following eMaps using GIS to make environmental data and information available to the public for:
Your Thoughts?

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
AZPDES Permit Terminations

- Authority is limited to discharges to WOTUS
- Process AZPDES permit terminations
- Other state permits still apply
AZPDES Permit Terminations

- Sierra Vista Tribute
- Ed Pastor Kino Environmental Restoration Project
- Buckeye Sun Valley South
AZPDES Permit Terminations

- Gold Canyon (General Permit)
- Black Mesa
- EPCOR Verrado WRF
- Kingman Hilltop WWTP
How do you want to be notified about permit terminations?