EPA and USACE Proposed Revisions to the 2015 WOTUS Rule

presented by
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Scheduling of Proposed WOTUS Rule Revision

Draft Rule Revision

Rule Posted in Federal Register (2/14/2019)

60 Day Comment Period (Ends 4/15/19)

Federal Public Meeting Dates:

2/26 Kansas City, MO
3/11 Atlanta, GA
3/26 Albuquerque, NM
Why Propose a Revision?
Clean Water Act in Arizona

State of Arizona’s Clean Water Act Programs

- AZPDES Discharge Permits
- §404 Dredge & Fill Permits
- Permits & Compliance
- Water Quality Standards
- Nonpoint Source Plans & Grants
- Monitoring & Assessments
- Total Maximum Daily Loads (TMDL)

* Currently administered by the U.S. Army Corps of Engineers. The State of Arizona is pursuing assumption of this program.
Existing Authorities to Protect Waters of the State

State Waters

- APP
- Water Quality Standards
- Standards Enforcement
Current WOTUS Rule in Arizona

Traditionally Navigable Waters and Adjacent Wetlands

Perennial and Intermittent Tributaries and Certain Wetlands

Tributaries and Wetlands with a Significant Nexus
Federal Goals of the Proposed Rule Revision

- Balance Between Federal and State Waters
- Preserve State Sovereignty
- Meet objectives of Clean Water Act
- Clarity and Predictability
Proposed Revised Definition

* For illustrative purposes only. Proposed jurisdictional waters in **bold**.
“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 are your concerns and comments?

How does the proposed WOTUS rule revision benefit Arizona?

Does the proposed WOTUS rule revision pose a risk to Arizona? If so, what is the risk?

Are there any issues not addressed by the rule revision or are not clear?