Arizona Department of Environmental Quality

Clean Water Act § 404 Assumption Executive Work Group

7th Meeting

May 23, 2019

ADEQ Arizona Department of Environmental Quality

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Roadmap for the CWA 404 Program

- This presentation outlines the key technical components to be addressed in Arizona's Clean Water Act §404 program assumption package and associated rules.
- **This draft is for discussion only.**

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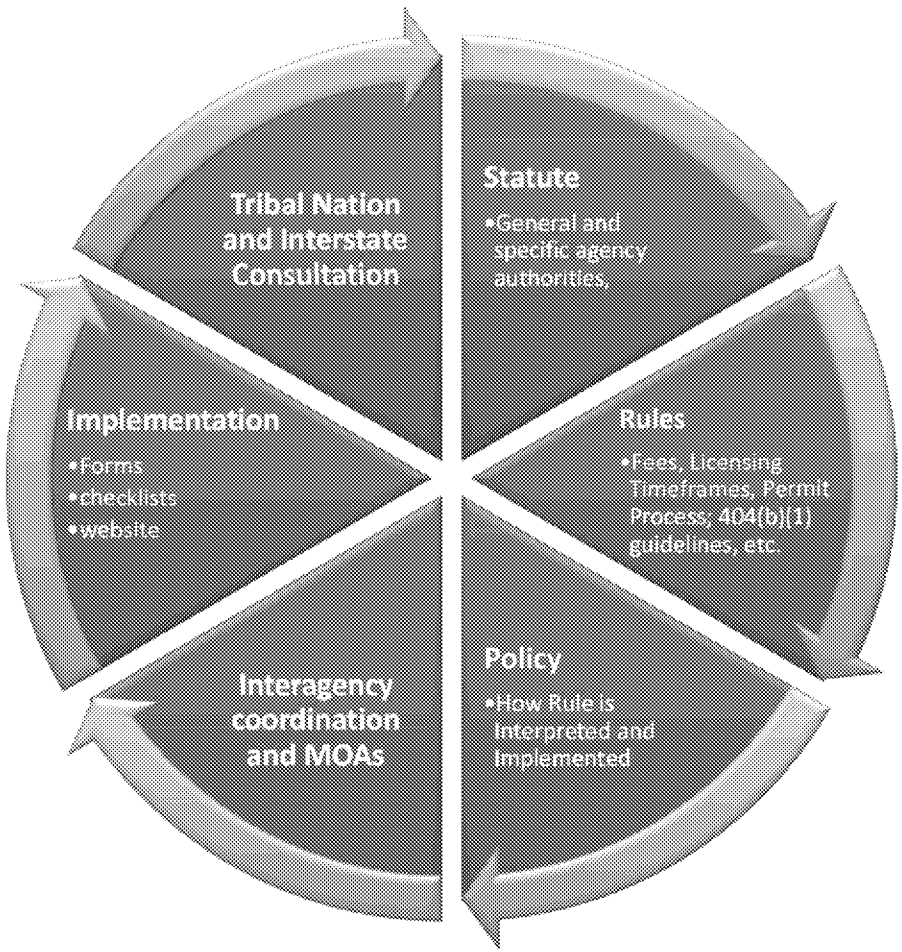
Program Components



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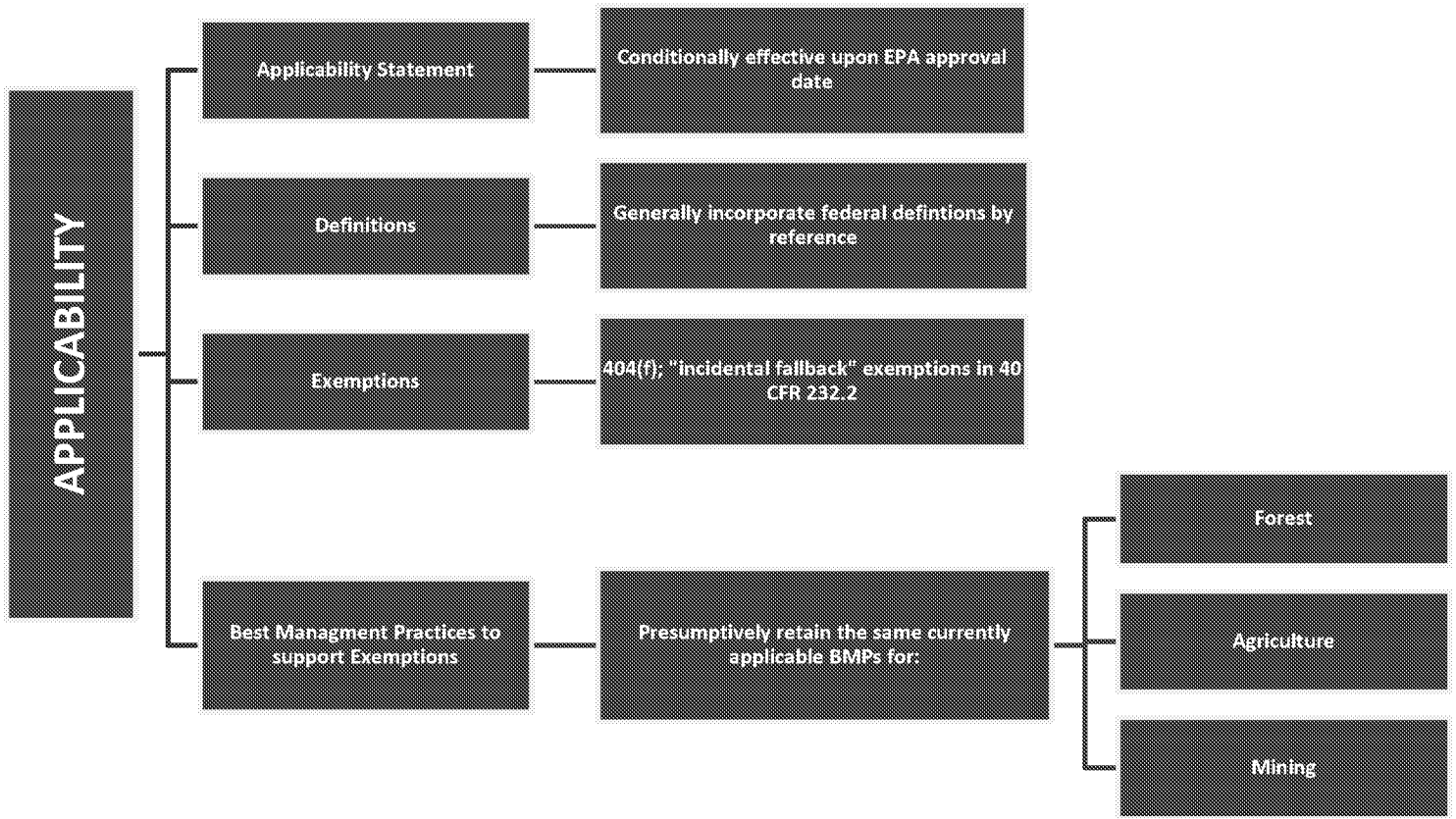
Applicability



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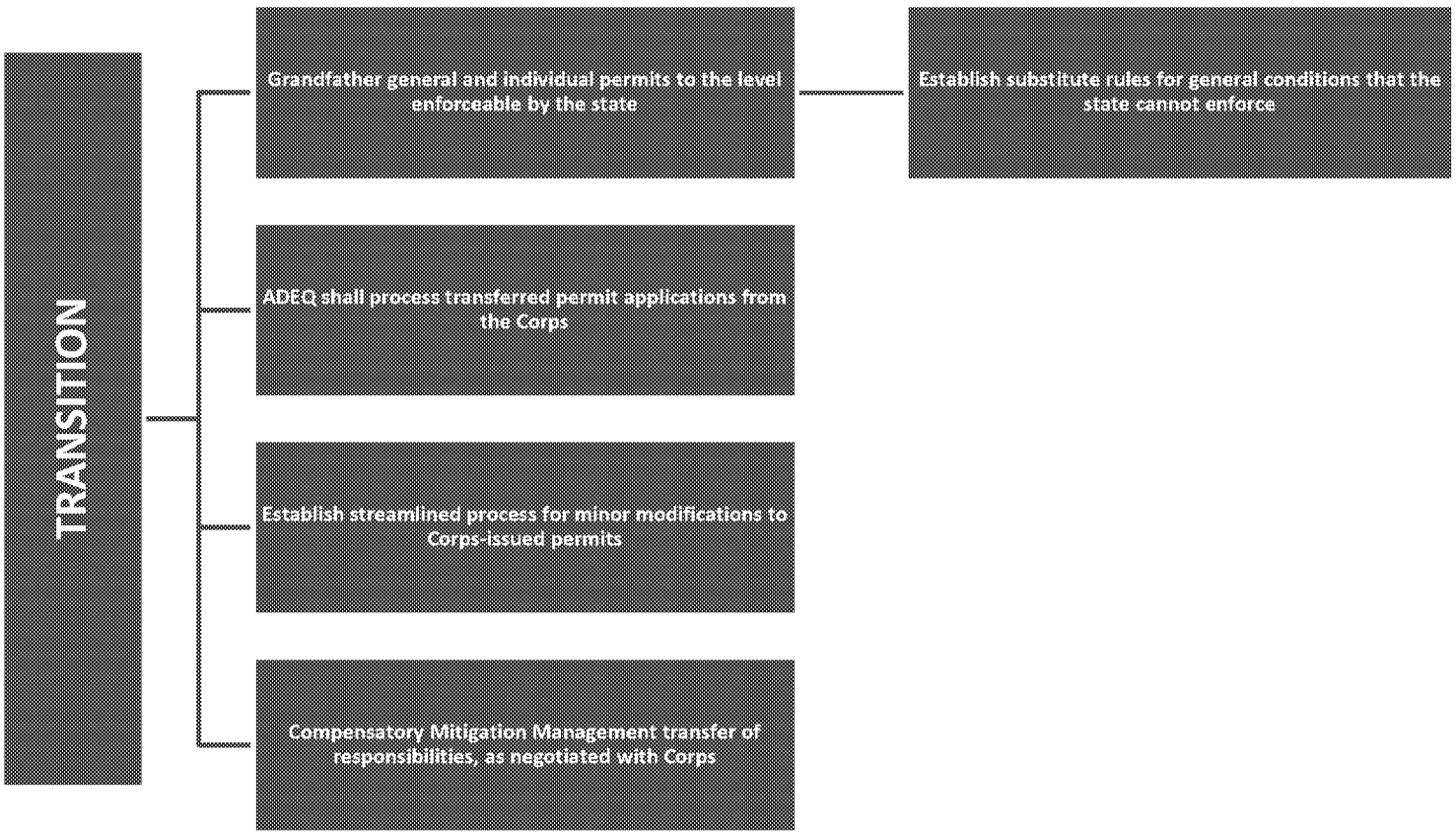
Transition



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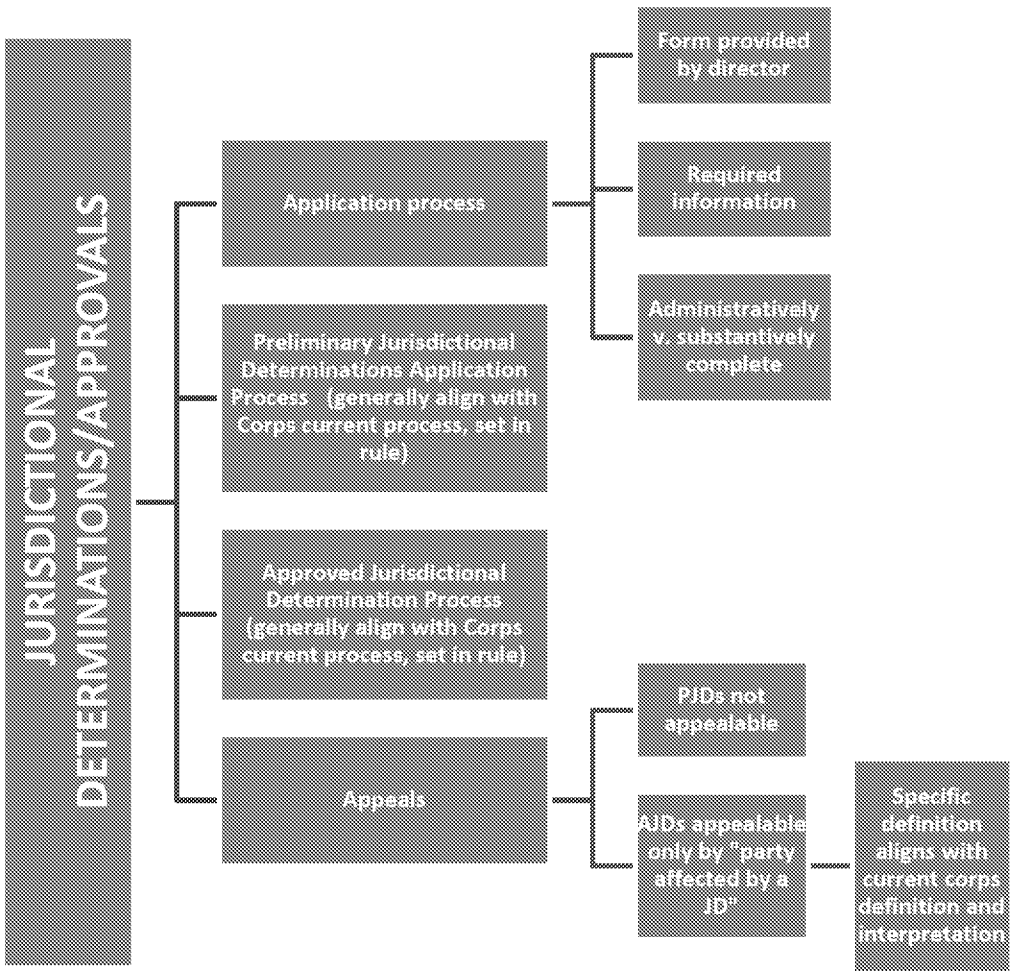
Jurisdictional Approvals



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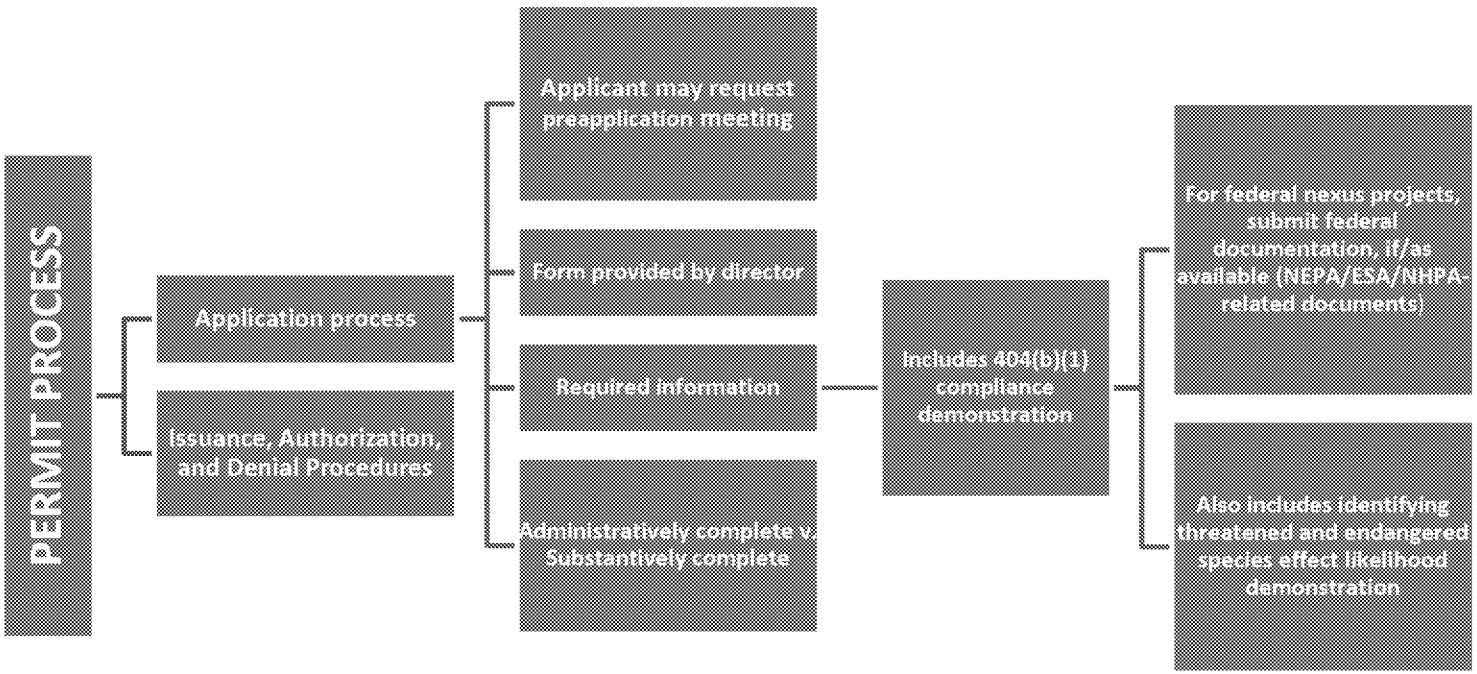
Permit Process



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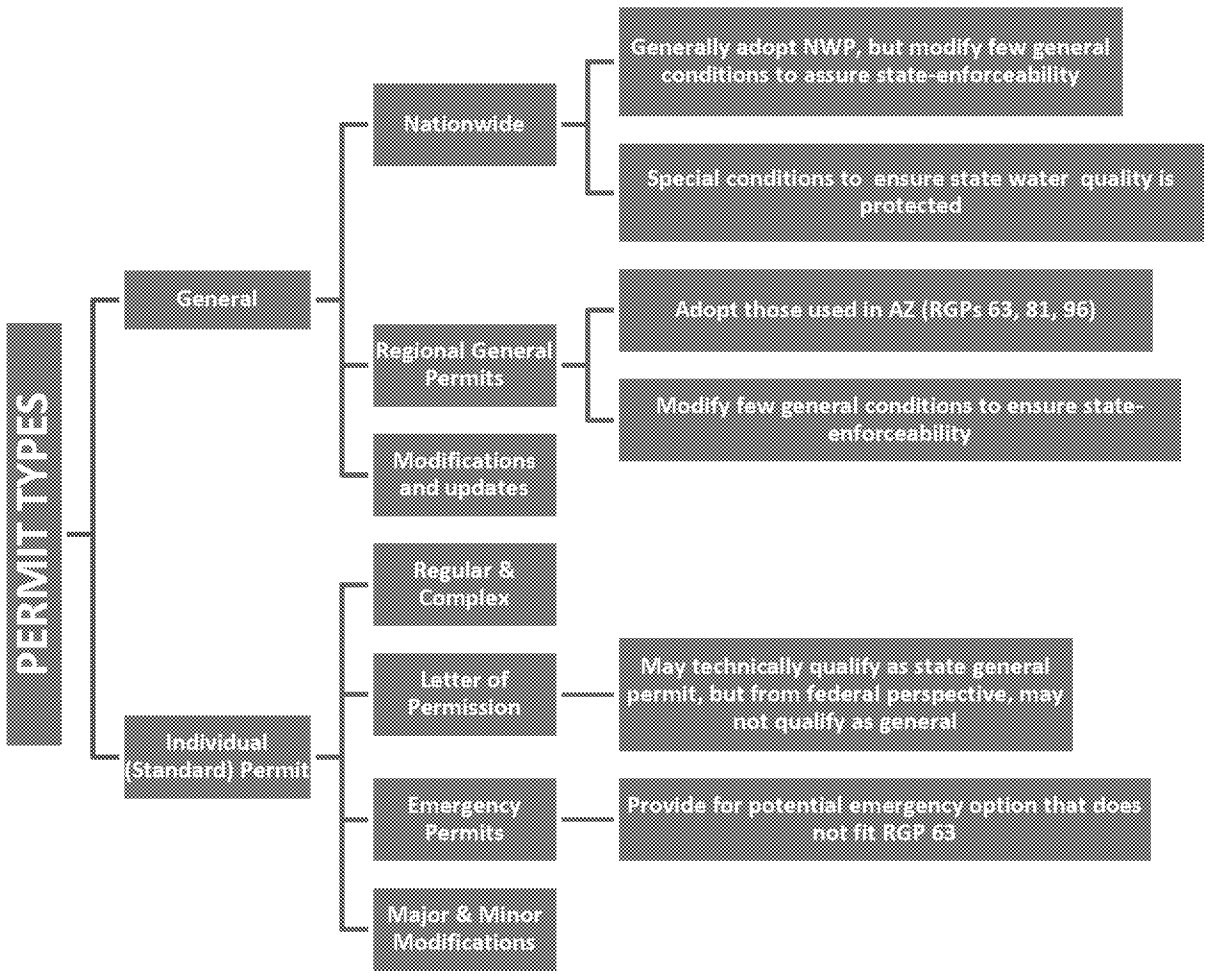
Permit Types



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Permit Content

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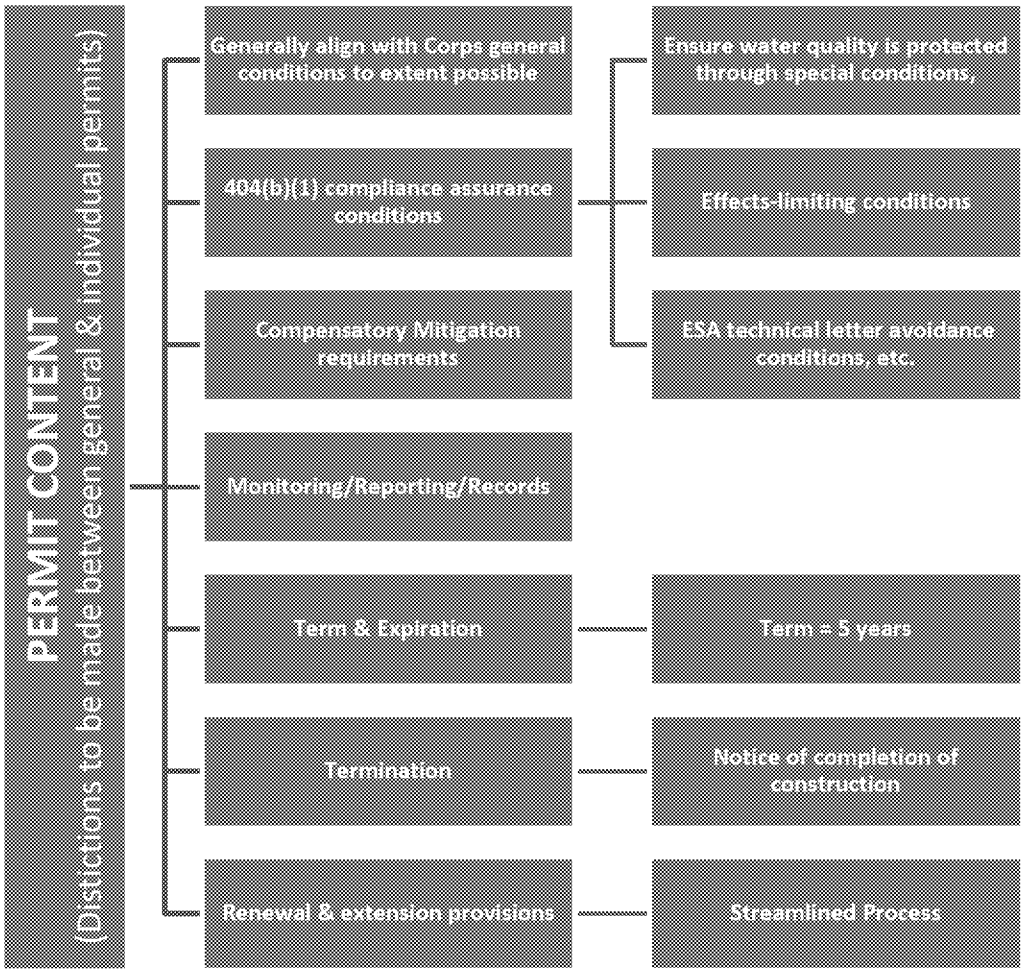

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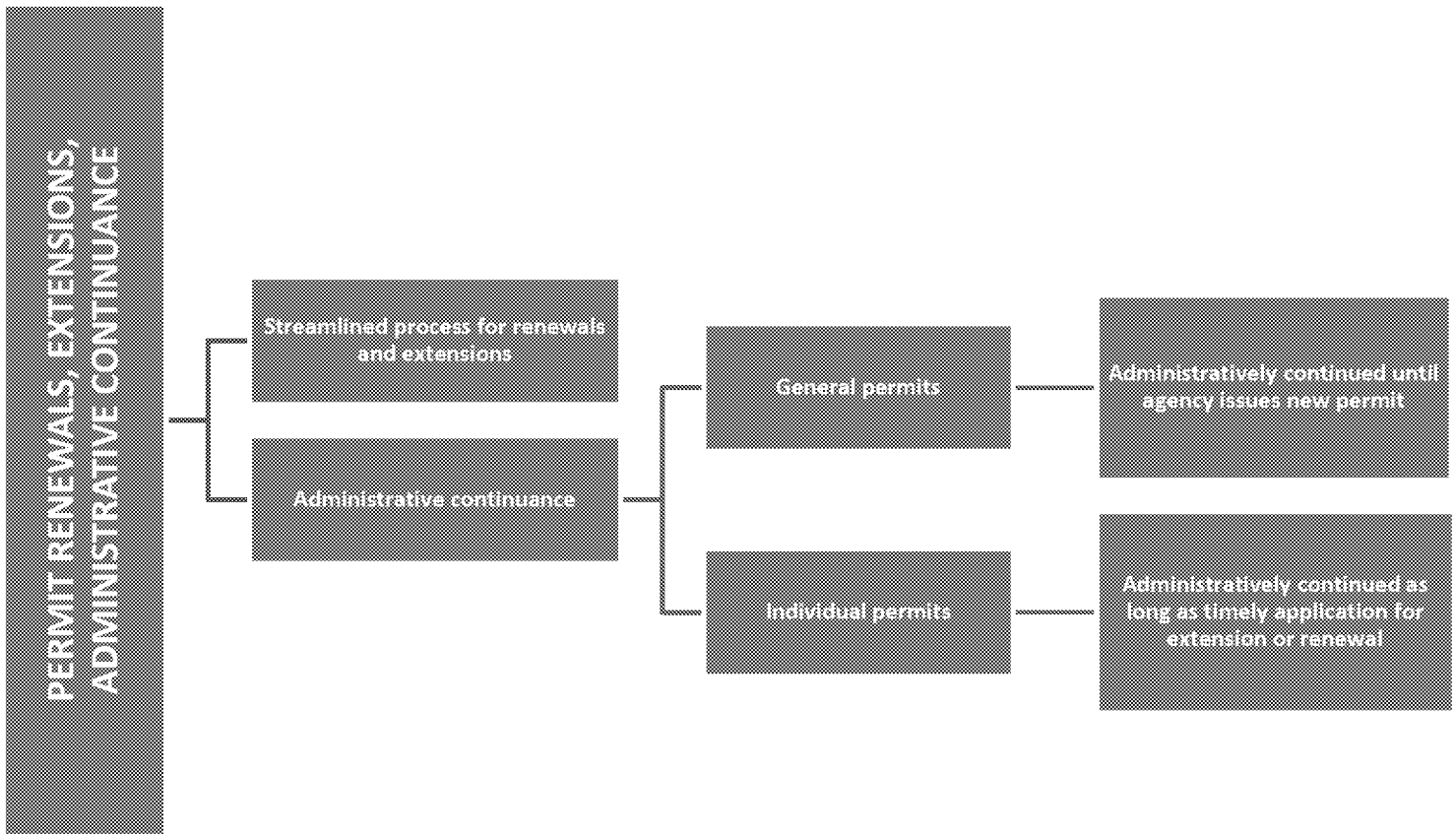
Permit renewals, extensions, continuance



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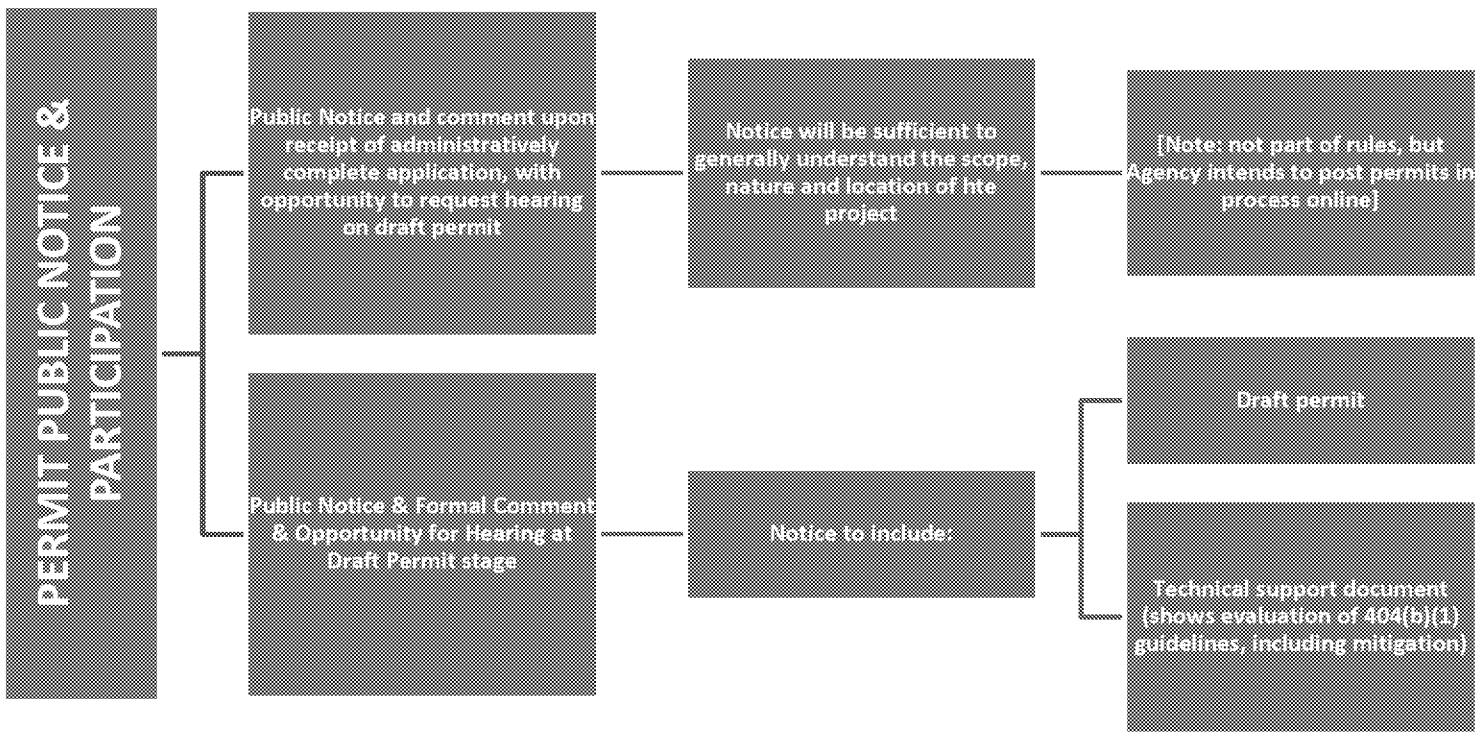
Public Notice/Participation



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404(B)(1), ESA, Cultural and Historic Resources

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404(B)(1), ESA, CULTURAL & HISTORICAL RESOURCES

- Adopt 404(b)(1) rules by reference
- ESA Process detail as needed in rule
  - Application identifies likely effect level and evaluation
- SHPO coordination detail in rule, as needed
- For federal nexus projects, evaluation of available federal documents (ESA/NEPA, NHPA)

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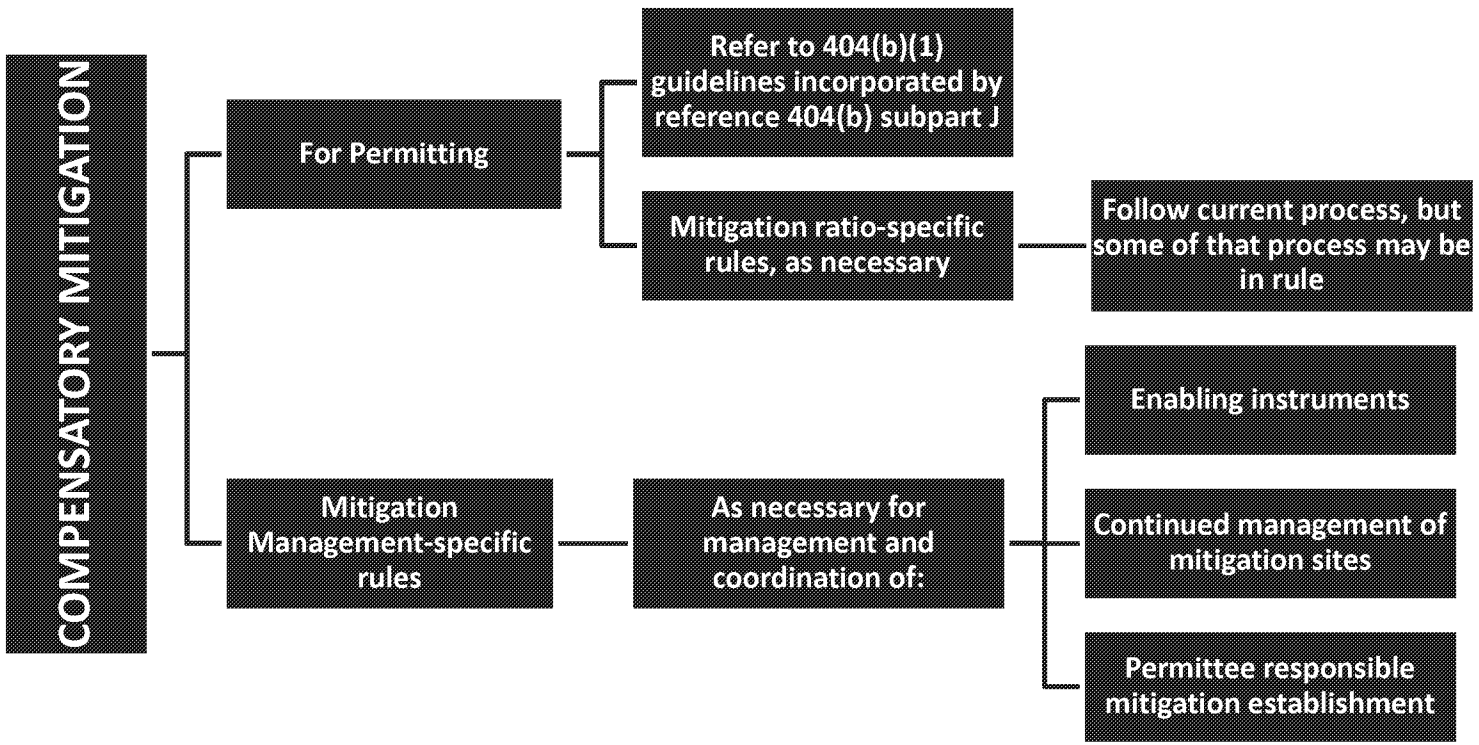
Compensatory Mitigation



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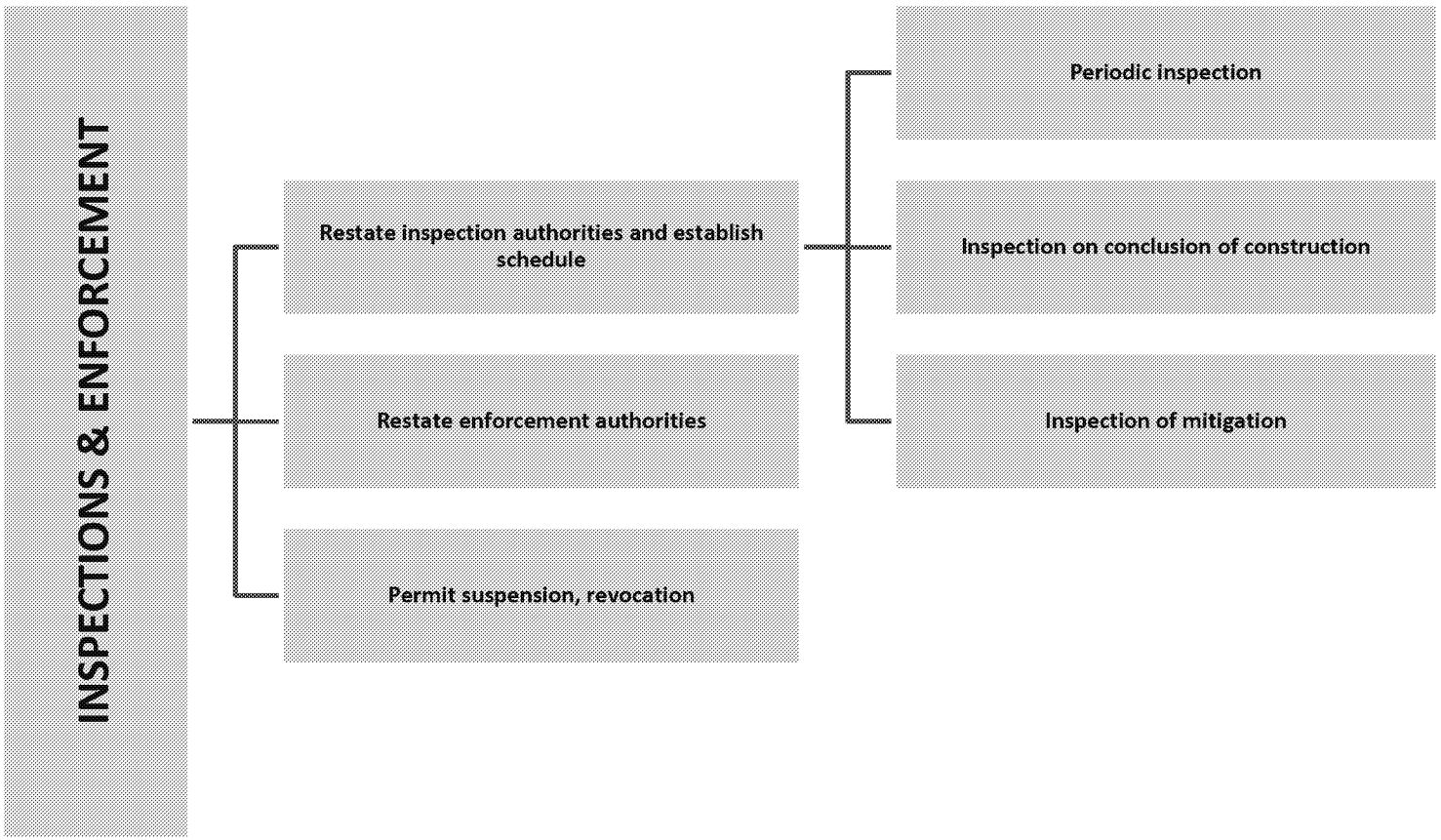
Compliance, Inspection, Enforcement



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Licensing Timeframes

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LICENSING TIMEFRAMES

- **Preliminary Jurisdictional Determination**
- **Approved Jurisdictional Determination (vary based on complexity)**
- **General Permit (varies based on permit type/complexity)**
- **Individual Permit (varies on permit type/complexity)**

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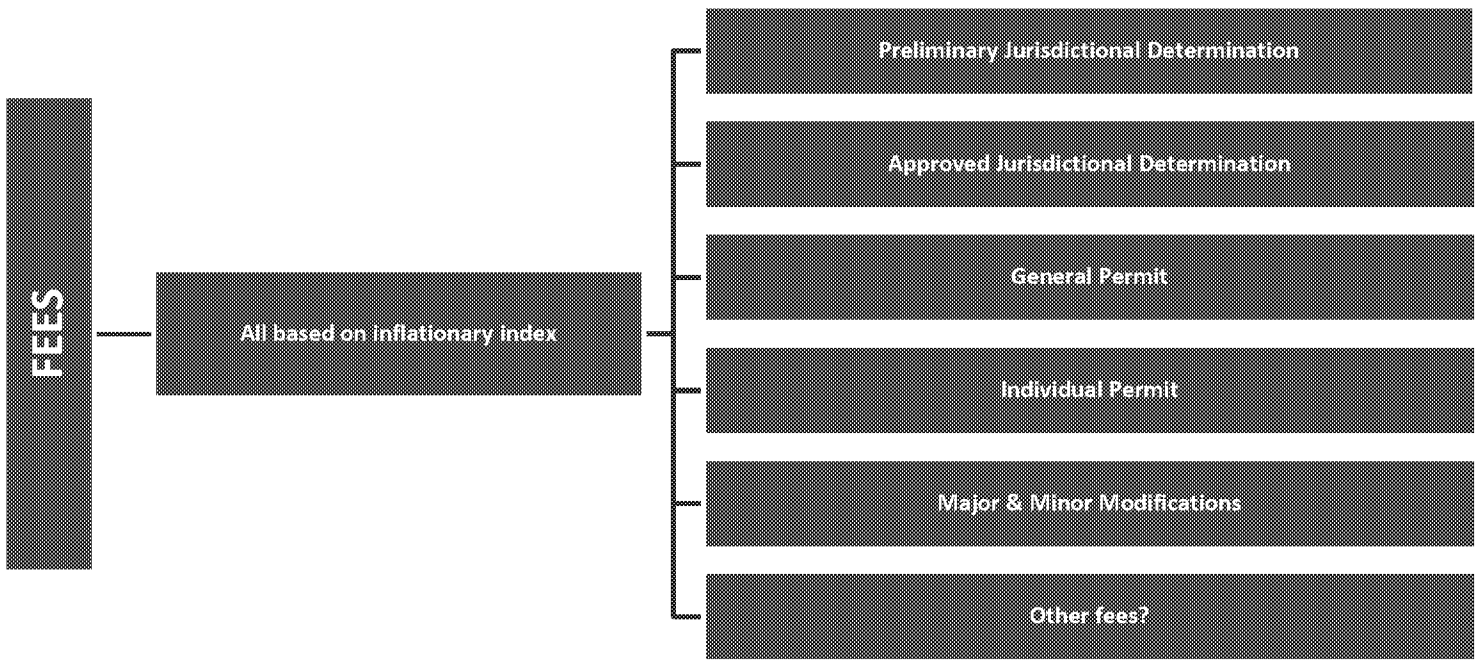
Fees


FEES
All based on inflationary index
Preliminary Jurisdictional Determination
Approved Jurisdictional Determination
General Permit
Individual Permit
Major & Minor Modifications
Other fees?

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Memorandums of Agreement

- Environmental Protection Agency
- Army Corps or Engineers
- United States Fish and Wildlife, ACOE, EPA, Arizona Game and Fish

Other Programmatic Implementation Considerations

- EPA reporting
- Permit tracking
- Mitigation tracking
- Online application processes
- Website information (mitigation, permits in process, basic 404 information)
- Public notification of transition of authority to the state
- Procedures for notifying and working with potentially affected states
- Staff development

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Stakeholder Engagement on Roadmap

- Late June
  - Draft Roadmap sent to stakeholders
- Early July
  - Stakeholder meetings to discuss Roadmap
- Late Fall
  - First draft of rules sent to stakeholders
  - Stakeholder meetings to discuss draft rules

Did we meet the requirements of the Charter?

- Evaluate periodic reports from the technical workgroups (TWGs).
- Assist ADEQ in identifying and resolving issues and dissonance among TWG conclusions and recommendations.
- Evaluate and align the TWG deliverables (current state, ideal future state, and gap analysis options), paying special attention to:
- Review TWG deliverables and further ADEQ's development of the draft roadmap document
- After evaluating the TWG deliverables and discussing draft roadmap options, recommend to the state which future state gap options are viable and explain why or why not.
- The ultimate deliverable will be to state whether or not the members feel the roadmap will result in a program that (1) provides added value to ADEQ customers as well as (2) protects the waters of the United States to the same level as the Federal program does.

Stakeholder Meetings and Announcements

- To subscribe to ADEQ announcements via GovDelivery, click "subscribe" on bottom right of the ADEQ home page

- Subscribe specifically to the "CWA 404 Stakeholder Communications" list

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Contact for Trevor Baggiore

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Technical questions or issues for the 404 team?

Contact Heidi Welborn, David Lelsz

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More information regarding CWA 404 assumption can be found at:

http://azdeq.gov/cwa-404

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