March 17, 2022

Natalie Mast, AMA Director – Management Plans  
Arizona Department of Water Resources  
1110 W Washington St., Suite 310  
Phoenix, Arizona 85007

Re:  Draft 5MP Storage & Recovery Siting Criteria Revisions

Ms. Mast & Management Plans Team,

The Arizona Municipal Water Users Association (AMWUA) submits these comments on ADWR’s draft revisions to the 5MP Storage and Recovery Siting Criteria published on March 8, 2022. We would like to express our thanks to ADWR staff who took the time to attend the March 2, 2022 meeting of the AMWUA Water Resource Advisory Group to discuss our concerns with the proposed policy. ADWR’s proposed revisions to the Siting Criteria are appreciated and have been reviewed by AMWUA staff and our member cities. Unfortunately, the updated regulatory language does not substantially alter the concerning implications of the policy and we continue to urge the Department to remove the Siting Criteria from the 5MP.

Based upon our extensive review of the proposed Criteria, discussions with the Department, and our March 2nd meeting, the AMWUA members remain uncertain as to what water management objectives will be accomplished through implementation of this policy. We have not heard the Department articulate a scenario where this policy would generate a positive water management outcome.

The water community is mindful of the enormous responsibility that ADWR staff carry in administering Arizona’s regulations, and AMWUA understands that the Department’s Recharge Program is stretched thin with the high volume of programmatic and policy issues that are demanding staff attention. We appreciate that ADWR is launching the Recharge and Recovery Workgroup process and anticipate that it will generate new recommendations and opportunities within the Recharge Program. In light of the existing programmatic workload and multitude of initiatives that are underway, we are concerned that the emphasis on implementing these Siting Criteria by the 2024 deadline will detract from other, more critical Recharge Program efforts. Removing the Siting Criteria from the 5MP does not prevent ADWR from completing a thorough analysis of the policy as requested by many stakeholders if the Department feels the concept warrants being revisited.

As expressed by AMWUA and ten other individual comment letters, we remain concerned that leaving the Siting Criteria in the 5MP will not benefit the AMA and will undermine recharge and recovery efforts that have been instrumental in overall water management. In looking at the
March 8th revisions, we acknowledge that the new language adds more specificity and criteria to ADWR’s proposed methodology for determining areas of “shallow depth to water.” Nevertheless, none of the criteria preclude ADWR from delineating “shallow water areas” throughout the AMA and subsequently imposing harsh restrictions on recovery. For example, the criteria of “avoiding riparian areas” and “focusing on areas where ambient water levels are chronically shallow” still leave significant room for uncertainty in the Department’s methodology, particularly when considering that riparian areas ADWR seeks to avoid happen to be where ambient water levels are persistently shallow, which is a proposed area of focus.

Fundamental issues with the proposed implementation of the Siting Criteria remain: the Maximum Area of Impact (AOI) extends extremely far, triggering this policy for many (if not all) USFs and the restriction on recovery to the AOI is overly harsh and counterproductive. AMWUA has prepared a spatial analysis to further demonstrate our concerns. The attached map shows that there are many areas in the Phoenix AMA where groundwater levels of 50 feet or less exist, and that all USFs in the AMA are at least within 15 linear miles of such a location. It is important to note that these “shallow water” areas are not a result of recharge efforts, but are located in areas near river channels, likely where ambient levels could be considered to be chronically shallow.

Furthermore, we have attached example figures illustrating the Maximum AOI as modeled according to ADWR’s current requirements. The contours nearly always extend great distances, often well beyond 15 miles, from the facility. We note that at our last discussion ADWR staff verbally relayed that the Department’s Maximum AOI policy has changed, but as stakeholders, we have not been made aware of any policy change or any new methodology, so we must rely on the existing, official regulation that is included in Substantive Policy Statement R9. Even if the Maximum AOI methodology were to change before adoption of the 5MP and no longer extended throughout an entire subbasin, it is still highly likely to trigger the Siting Criteria restrictions for USFs five to ten miles from shallow water conditions. Stakeholders continue to be in the dark as to how this policy will affect the recharge and recovery infrastructure that water providers have invested millions of dollars into constructing.

Based upon our extensive review of the proposed criteria and discussions with the Department, we question whether there is a scenario where this policy would generate a substantially positive outcome. For example, ADWR has placed significant emphasis on the application of this policy to areas where dewatering occurs, the most infamous of which is the Buckeye Waterlogged Area (BWLA). If this policy were to delineate the BWLA as “shallow water,” it would impact West Valley USFs, restricting their recovery to the 1-mile AOI and disincentivizing future recharge. However, it is unlikely that there would be any material impact on the BWLA. The three irrigation districts in the BWLA use over 200,000 AF of water each year.1 The incidental recharge from these agricultural operations combined with natural underflow and effluent discharges vastly outweighs the impact from regional recharge operations that are often many miles away. Ironically, the Siting Criteria would actually impair recovery from taking

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1 Buckeye Waterlogged Area Review and Recommendation, ADWR, 2019. Table 6.
place near the BWLA that could have a beneficial impact. We believe that on the whole, this policy will lead to more negative than positive outcomes.

ADWR staff have performed a tremendous feat by drafting five separate Management Plans over the course of the last two years. The Department has also announced a number of exciting initiatives, such as the Recharge and Recovery Workgroup process. We ask that ADWR continue its efforts to promulgate and adopt the 5MPs, and to engage stakeholders on Recharge-related issues and we believe that removing these unnecessary and counterproductive Siting Criteria will assist ADWR in further investing its resources into these critical efforts.

We appreciate your consideration of our comments on this issue, as it is of paramount importance to the operations of municipal water providers in all AMAs.

Sincerely,

Warren Tenney
Executive Director
Maximum AOI

Extends 20 mi

Overlap triggers 5MP Policy

Water levels ≤ 50 ft bsls

1-foot groundwater rise (Maximum AOI)

1-mile safe harbor radius (AOI)

Recovery is Restricted to AOI

5MP Siting Criteria Implementation Example
Maximum AOI – NAUSP

Maximum AOI Extends 20 mi
Maximum AOI – Gilbert Riparian Preserve USF

Maximum Area of Impact

- 1-Foot Water Level Rise
- Numerical Model Inactive Cells
- Gilbert Riparian Preserve Ponds
- B(3-2) Township/Range

FIGURE 1
MAXIMUM AREA OF IMPACT
Gilbert Riparian Preserve

September 2016