

# ASR AND THE NPDES CONNECTION

SHELLIE R. CHARD

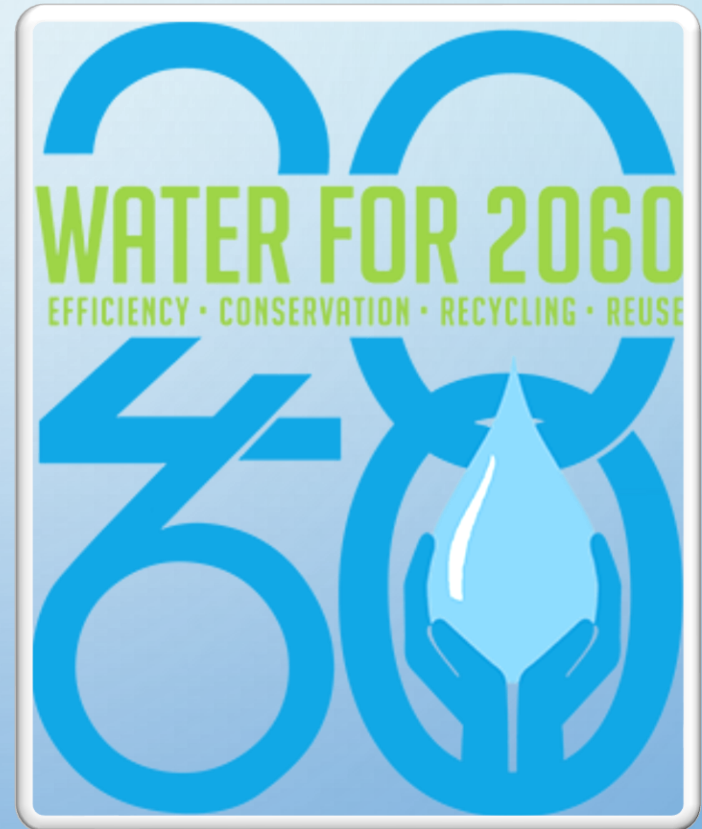
WATER QUALITY DIVISION DIRECTOR, OKLAHOMA DEQ

TREASURER, GROUND WATER PROTECTION COUNCIL



# DRIVERS FOR ASR RULEMAKING

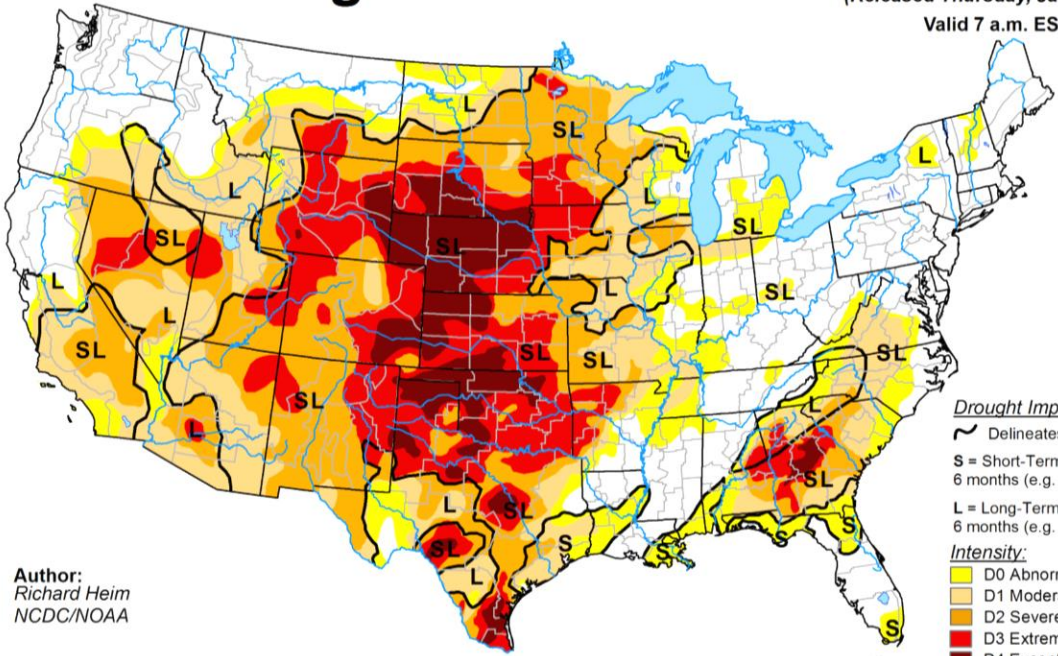
- WATER FOR 2060 ACT
- DROUGHT
- PROTECTION OF PUBLIC HEALTH





# U.S. Drought Monitor

January 1, 2013  
 (Released Thursday, Jan. 3, 2013)  
 Valid 7 a.m. EST



Author:  
 Richard Heim  
 NCDC/NOAA

**Drought Impact Types:**

- ~ Delineates dominant impacts
- S = Short-Term, typically less than 6 months (e.g. agriculture, grasslands)
- L = Long-Term, typically greater than 6 months (e.g. hydrology, ecology)

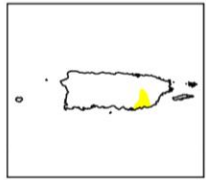
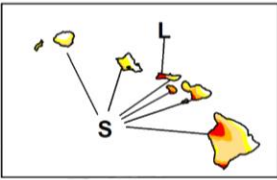
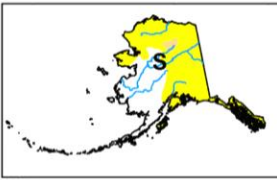
**Intensity:**

- None
- D0 Abnormally Dry
- D1 Moderate Drought
- D2 Severe Drought
- D3 Extreme Drought
- D4 Exceptional Drought

The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. See accompanying text summary for forecast statements.

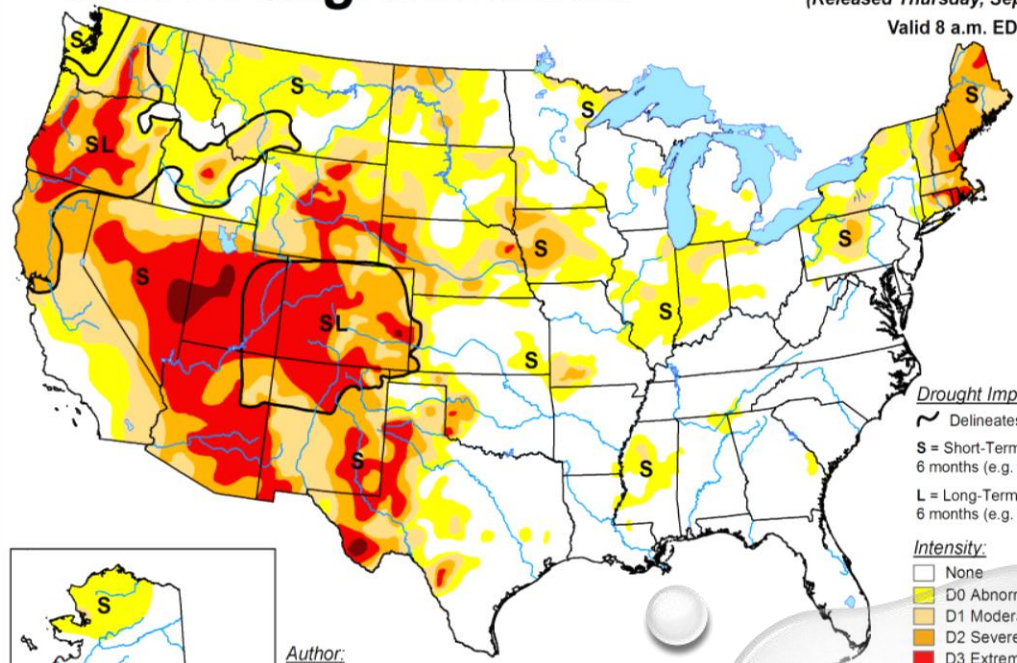


<http://droughtmonitor.unl.edu/>



# U.S. Drought Monitor

September 22, 2020  
 (Released Thursday, Sep. 24, 2020)  
 Valid 8 a.m. EDT



Author:  
 Brad Rippey  
 U.S. Department of Agriculture

**Drought Impact Types:**

- ~ Delineates dominant impacts
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- L = Long-Term, typically greater than 6 months (e.g. hydrology, ecology)

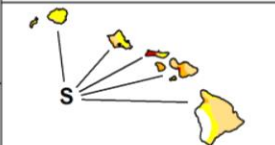
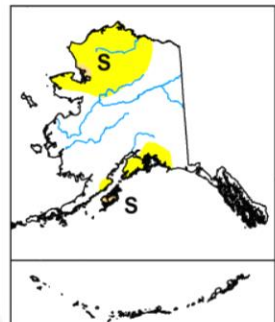
**Intensity:**

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The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. For more information on the Drought Monitor, go to <https://droughtmonitor.unl.edu/About.aspx>



[droughtmonitor.unl.edu](http://droughtmonitor.unl.edu)





**PUBLIC HEALTH PROTECTION**



# OKLAHOMA ASR RULES

- [HTTPS://WWW.DEQ.OK.GOV/WP-CONTENT/UPLOADS/DEQMAINRESOURCES/252-653-AQUIFER-STORAGE-AND-RECOVERY.PDF](https://www.deq.ok.gov/wp-content/uploads/deqmainresources/252-653-aquifer-storage-and-recovery.pdf)
- DEQ CONTACTS FOR ASR QUESTIONS
  - [HILLARY.YOUNG@DEQ.OK.GOV](mailto:HILLARY.YOUNG@DEQ.OK.GOV)
  - [SABA.TAHMASSEBI@DEQ.OK.GOV](mailto:SABA.TAHMASSEBI@DEQ.OK.GOV)



# ASR RULE DEVELOPMENT

- WORKGROUP OF INTERESTED PARTIES INCLUDING WATER QUANTITY AGENCY
- COLLABORATION OF 2 DEQ DIVISIONS
- MAJOR HURDLE
  - GROUND WATER WQS
  - PERMITTING STRUCTURE
- EFFECTIVE SEPTEMBER 2019

# KEY RULE PROVISIONS

Communication upfront

Permits

- Construction
- Water delivery
- 5 year operational

Raw water and aquifer characterization  
plan

Financial assurance



# CURRENT ASR PROJECT

- LIMITED SCOPE ASR (LASAR)
- STORM WATER CAPTURE TO  
ENHANCE SURFACE WATER SUPPLE  
FOR PWS



# UIC MEETS NPDES

- HAWAII WILDLIFE FUND VS COUNTY OF MAUI
- SCOTUS JUSTICE BREYER DECLARED “POLLUTION DISCHARGED FROM A POINT SOURCE OR ITS *FUNCTIONAL EQUIVALENT* THAT FLOWS TO JURISDICTIONAL WATERS OF THE UNITED STATES MUST BE REGULATED BY PERMIT, EVEN IF THAT DISCHARGE IS INTO GROUNDWATER FIRST.”



# WHAT DOES THIS MEAN FOR ASR?

- IT DEPENDS
  - STATE SPECIFIC WATERS OF THE STATE DEFINITION
  - STATE PERMITTING CRITERIA AND PROCESS
  - PROPER UIC CONSTRUCTION AND OPERATIONS
- ???
- LITIGATION
- NEW EPA REGULATIONS



QUESTIONS

ANSWERS

[SHELLIE.CHARD@  
DEQ.OK.GOV](mailto:SHELLIE.CHARD@DEQ.OK.GOV)

405.702.8157

