



# ARIZONA HOUSE OF REPRESENTATIVES

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Second Regular Session

Senate: NREW DP 8-0-1-0 | 3<sup>rd</sup> Read 28-0-2-0

House: NREW DPA/SE 11-1-0-0

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## **SB 1171: unlawful feeding; wildlife; exception**

**S/E: treated process water; storage credits**

**Sponsor: Senator Gowan, LD 14**

**House Engrossed**

### **Overview**

Allows a food or beverage manufacturer to store treated process water underground under certain circumstances and specifies that this water can only be used for nonirrigation use at the same site where the water was stored. Establishes a study committee to analyze issues related to treatment and underground storage of treated process water and using effluent to assist in obtaining an assured water supply.

### **History**

#### ***The Groundwater Management Act and Industrial Users***

The Groundwater Management Act regulates groundwater usage in designated areas of the state called active management areas (AMAs) (A.R.S. §§ [45-401](#) and [45-411](#)). Each AMA has a management goal and a series of successive management plans with various conservation measures and strategies for different water users to help achieve that goal (A.R.S. §§ [45-562](#) and [45-563](#)).

Industrial water users, including power plants and turf-related facilities, are covered by the act's requirement to include a conservation program for non-irrigation groundwater users ([A.R.S. § 45-567](#)). This program's requirements are based on using the latest commercially available conservation technology consistent with reasonable economic returns. Under the current management plans, industrial users must comply with certain requirements such as avoiding waste, endeavoring to recycle water, and tracking the total amount of water used by source (including effluent). There are additional requirements for certain users. For example, under the current management plans, each turf-related facility has a designated annual water allotment. Each acre-foot of direct use treated effluent or effluent that is recovered within the area of impact of storage is accounted for as 0.7 acre-feet of that maximum water allotment.

#### ***Storing and Recovering Water on An Annual Basis***

Storing water underground requires a permit that shows the applicant has the right to use the proposed water source and has applied for any required water quality permits and the water storage will occur at a permitted storage facility ([A.R.S. § 45-831.01](#)). Water stored using a water storage permit may be exchanged or used in a location in which it was allowed to be exchanged or used prior to storage ([A.R.S. § 45-832.01](#)).

A person who stores water underground may recover a certain amount of water in the same calendar year subject to certain limitations. Water that is not recovered in same calendar year and is not eligible to earn long-term storage credits cannot be recovered at any other time ([A.R.S. § 45-851.01](#)). Recovering water on an annual basis requires a recovery well permit. The recovery well must meet additional requirements depending on whether the well is within the area of impact of the stored water ([A.R.S. § 45-834.01](#)).

### **Aquifer Protection Permits**

Aquifer protection permits are required for discharges of any pollutant to an aquifer or to an area where it is reasonable that the pollutant will reach an aquifer ([A.R.S. § 49-241](#)). This permit will be issued for water storage if it can be shown that the facility is designed, built and operated to ensure that it will not cause or contribute to any violation of aquifer water quality standards at the applicable point of compliance ([A.R.S. § 49-243](#)).

However, certain uses and facilities are not required to obtain an aquifer protection permit. For example, industrial wastewater treatment facilities designed, built and operated to reduce discharges through best available demonstrated control technologies, processes, operating methods or other alternatives and that use ADEQ-approved treatment systems to treat wastewater to aquifer water quality standards before discharge are exempt from these permits if the water is stored at a groundwater storage facility ([A.R.S. § 49-250](#)).

### **Provisions**

#### ***Storing and Recovering Treated Process Water***

1. Defines *treated process water*, which is a separate category of water from effluent. (Sec. 1)
2. Directs the Arizona Department of Water Resources, when determining compliance with the applicable conservation requirements in a management plan, to account for recovered treated process water in the same way it accounts for effluent. (Sec. 2)
3. Adds, to the required conditions for issuing a water storage permit, the following requirements for when treated process water is stored underground:
  - a) A food or beverage manufacturer will store the water at a constructed underground storage facility at the site where the water was used before treatment;
  - b) The storer has received an individual aquifer protection permit for discharging the water; and
  - c) The water is not subject to a wastewater service contract with a municipality or private water company. (Sec. 3)
4. Stipulates that treated process water stored using a water storage permit may only be used by the storer for non-irrigation use at the same site where the water was stored. (Sec. 4)
5. Prohibits a person who holds LTSCs or recovers water on an annual basis from recovering treated process water stored underground in an AMA using a recovery well that is outside the area of impact of the stored water. (Sec. 5)

### **Aquifer Protection Permits**

6. Authorizes the ADEQ Director to issue an individual aquifer protection permit for storing water at a water storage facility if that facility, in addition to not violating aquifer water quality standards, will not cause or contribute to toxic levels of any industrial pollutant. (Sec. 6)
7. Defines *toxic*. (Sec. 6)
8. Repeals the exemption from the aquifer protection permit requirements for certain industrial wastewater treatment facilities that treat wastewater to meet aquifer water quality standards prior to discharge if the water is stored at a groundwater storage facility. (Sec. 7)

#### ***Study Committee (Sec. 8)***

9. Establishes the Process Water Reuse Study Committee and outlines membership requirements.
10. Prohibits members from being eligible for compensation or reimbursement for committee activities.

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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11. Directs the committee to:
  - a) Study, analyze and evaluate various issues involving the treatment and underground storage of treated process water and using effluent to assist in obtaining an assured water supply.
  - b) Submit a report of its findings and recommendations to the Governor, Senate President, and Speaker of the House of Representatives by December 31, 2022.
12. Terminates the committee on December 31, 2023.

***Miscellaneous***

13. Makes technical and conforming changes. (Sec. 1 and 3-7)