

House Engrossed

~~technical correction; health services; monitoring~~
(now: ADEQ; direct potable reuse; rules)

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HOUSE BILL 2129

AN ACT

AMENDING SECTION 49-210, ARIZONA REVISED STATUTES; AMENDING TITLE 49,
CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 49-211;
APPROPRIATING MONIES; RELATING TO WATER QUALITY CONTROL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 49-210, Arizona Revised Statutes, is amended to
3 read:

4 49-210. Water quality fee fund; appropriation; exemption;
5 monies held in trust

6 A. The water quality fee fund is established consisting of monies
7 appropriated by the legislature and fees received pursuant to sections
8 49-104, 49-203, 49-211, 49-241, 49-241.02, 49-242, 49-255.01, 49-332,
9 49-352, 49-353 and 49-361. The director shall administer the fund.

10 B. Monies in the fund are subject to annual legislative
11 appropriation to the department for water quality programs. Monies in the
12 fund are exempt from the provisions of section 35-190 relating to lapsing
13 of appropriations.

14 C. On notice from the director, the state treasurer shall invest
15 and divest monies in the fund as provided by section 35-313, and monies
16 earned from investment shall be credited to the fund.

17 D. Monies in the water quality fee fund shall be used for the
18 following purposes:

19 1. To issue aquifer protection permits pursuant to section 49-241.

20 2. The aquifer protection permit registration fee procedures
21 pursuant to section 49-242.

22 3. Dry well registration fee procedures pursuant to section 49-332.

23 4. Technical review fee procedures pursuant to section 49-353.

24 5. Inspection fee procedures pursuant to section 49-104,
25 subsection C.

26 6. To issue permits under the Arizona pollutant discharge
27 elimination system program pursuant to section 49-255.01.

28 7. Operator certification pursuant to sections 49-352 and 49-361.

29 8. Paying the cost of implementing section 49-203, subsection A,
30 paragraph 7 and section 49-221, subsection E.

31 9. Water quality monitoring pursuant to section 49-225 and
32 reporting of aquifer pollution information pursuant to section 49-249.

33 10. To implement and administer the underground injection control
34 permit program established pursuant to article 3.3 of this chapter.

35 11. To implement and administer the dredge and fill permit program
36 established pursuant to article 3.2 of this chapter, including review and
37 analysis for issuing jurisdictional determinations.

38 E. Any fee, assessment or other levy that is authorized by law or
39 administrative rule and that is collected and deposited in the water
40 quality fee fund shall be held in trust. The monies in the fund may be
41 used only for the purposes prescribed by statute and shall not be
42 appropriated or transferred by the legislature to fund the general
43 operations of this state or to otherwise meet the obligations of the
44 general fund of this state. This subsection does not apply to any taxes
45 or other levies that are imposed pursuant to title 42 or 43.

1 Sec. 2. Title 49, chapter 2, article 1, Arizona Revised Statutes,
2 is amended by adding section 49-211, to read:

3 49-211. Direct potable reuse of treated recycled wastewater;
4 fees; rules

5 A. ON OR BEFORE DECEMBER 31, 2024, THE DIRECTOR SHALL ESTABLISH, BY
6 RULE, PERMIT FEES SUFFICIENT TO ADMINISTER A DIRECT POTABLE REUSE OF
7 TREATED WASTEWATER PROGRAM. MONIES COLLECTED PURSUANT TO THIS SECTION
8 SHALL BE DEPOSITED PURSUANT TO SECTIONS 35-146 AND 35-147, IN THE WATER
9 QUALITY FEE FUND ESTABLISHED BY SECTION 49-210.

10 B. ON OR BEFORE DECEMBER 31, 2024, THE DIRECTOR SHALL ADOPT ALL
11 RULES NECESSARY TO ESTABLISH AND IMPLEMENT A DIRECT POTABLE REUSE OF
12 TREATED WATER PROGRAM INCLUDING, BUT NOT LIMITED TO, RULES ESTABLISHING
13 PERMITTING STANDARDS AND A PERMIT APPLICATION PROCESS.

14 Sec. 3. Appropriations; water quality fee fund; use; fiscal
15 years 2022-2023 and 2023-2024

16 The sum of \$1,500,000 is appropriated from the state general fund in
17 each of fiscal years 2022-2023 and 2023-2024 to the water quality fee fund
18 established by section 49-210, Arizona Revised Statutes, to operate the
19 direct potable reuse of treated recycled wastewater permitting process.