

House Engrossed

long-term storage; stormwater; rainwater; rules

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HOUSE BILL 2020

AN ACT

AMENDING SECTION 45-815.01, ARIZONA REVISED STATUTES; AMENDING TITLE 45, CHAPTER 3.1, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 45-861.01; RELATING TO LONG-TERM STORAGE CREDITS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 45-815.01, Arizona Revised Statutes, is amended
3 to read:

4 45-815.01. Facilities not qualifying as storage facilities

5 The following shall not be permitted as underground storage
6 facilities:

7 1. A body of water, as defined ~~by~~ **IN** section 45-131, unless it has
8 been designed, constructed or altered so that water storage is a principal
9 purpose of the body of water.

10 2. Aqueducts, irrigation canals and other man-made water conveyance
11 systems.

12 3. Water that incidentally recharges an aquifer during the course
13 of its use for agricultural, municipal, mining or industrial purposes,
14 **EXCEPT WATER THAT INCIDENTALLY RECHARGES AN AQUIFER PURSUANT TO SECTION**
15 **45-861.01.**

16 Sec. 2. Title 45, chapter 3.1, article 4, Arizona Revised Statutes,
17 is amended by adding section 45-861.01, to read:

18 45-861.01. Long-term storage credits; stormwater
19 infrastructure

20 A. A PERSON THAT DEVELOPS OR PLANS TO DEVELOP INFRASTRUCTURE IN AN
21 ACTIVE MANAGEMENT AREA THAT RESULTS IN INCREASED NATURAL, INCIDENTAL OR
22 ARTIFICIAL RECHARGE TO THE GROUNDWATER BASIN IS ENTITLED TO EARN AND HOLD
23 LONG-TERM STORAGE CREDITS IN AN AMOUNT NOT TO EXCEED THE LEVEL OF
24 INCREASED RECHARGE OR PROJECTED INCREASED RECHARGE.

25 B. ON OR BEFORE JANUARY 1, 2025, THE DIRECTOR SHALL ADOPT RULES
26 THAT PROMOTE NEW CONSTRUCTION OF FACILITIES THAT ARE ELIGIBLE TO EARN
27 LONG-TERM STORAGE CREDITS PURSUANT TO THIS SECTION, INCLUDING ANY OF THE
28 FOLLOWING:

29 1. STORMWATER DETENTION BASINS THAT INCREASE NATURAL, INCIDENTAL OR
30 ARTIFICIAL RECHARGE.

31 2. ROADWAYS AND SIDEWALKS THAT FACILITATE STORMWATER RECHARGE.

32 3. ANY OTHER PUBLIC INFRASTRUCTURE THAT FACILITATES RAINWATER OR
33 STORMWATER RECHARGE.

34 C. THE RULES SHALL INCLUDE:

35 1. AN APPLICATION TIMELINE.

36 2. PROCEDURES FOR CERTIFYING QUALIFYING INFRASTRUCTURE.

37 3. CRITERIA FOR ELIGIBILITY.

38 4. FORMULATIONS FOR QUANTIFYING THE INCREASED RECHARGE OR PROJECTED
39 INCREASED RECHARGE AND THE CORRESPONDING LONG-TERM STORAGE CREDITS THAT
40 ARE EXPECTED TO BE EARNED OVER THE USEFUL LIFE OF THE INFRASTRUCTURE.

41 D. A PERSON THAT APPLIES FOR LONG-TERM STORAGE CREDITS PURSUANT TO
42 THIS SECTION IS EXEMPT FROM THE PERMITTING REQUIREMENTS PRESCRIBED IN
43 ARTICLE 2 OF THIS CHAPTER.