

Senate Engrossed House Bill
on-site wastewater treatment facilities; permitting

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

HOUSE BILL 2195

AN ACT

AMENDING SECTION 49-245, ARIZONA REVISED STATUTES; 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 49-245, Arizona Revised Statutes, is amended to
3 read:
4 49-245. Criteria for issuing general permit
5 A. The director may issue by rule a general permit for a defined
6 class of facilities if all of the following apply:
7 1. The cost of issuing individual permits cannot be justified by
8 any environmental or public health benefit that may be gained from issuing
9 individual permits.
10 2. The facilities, activities or practices in the class are
11 substantially similar in nature.
12 3. The director is satisfied that appropriate conditions under a
13 general permit for operating the facilities or conducting the activity
14 will meet the applicable requirements in section 49-243 or, as to
15 facilities for which the director has established best management
16 practices, section 49-246.
17 B. In addition to other applicable enforcement actions, if a person
18 violates the conditions of a general permit, the director may revoke the
19 general permit for that person and require that the person obtain an
20 individual permit. A general permit may be revoked, modified or suspended
21 at any time by the director if necessary to comply with this chapter.
22 C. Rules establishing a general permit shall include terms and
23 conditions to ensure that all discharges and facilities will meet the
24 requirements of this chapter and shall provide for the collective or
25 individual revocation of the general permit if necessary to ensure
26 compliance with this chapter.
27 D. Rules adopted pursuant to subsection A of this section may
28 require a person who owns or operates a facility seeking coverage under a
29 general permit to notify the director of the person's intent to operate
30 the facility pursuant to the general permit and pay the applicable fee
31 required pursuant to section 49-203.
32 E. UNTIL REVISED RULES THAT ARE PROPOSED AFTER DECEMBER 31, 2024
33 ARE EFFECTIVE, AND ONLY FOR ON-SITE WASTEWATER TREATMENT FACILITIES WITH A
34 DESIGN FLOW OF THREE THOUSAND GALLONS PER DAY OR MORE, AN ON-SITE
35 WASTEWATER TREATMENT FACILITY WITH A DESIGN FLOW OF THREE THOUSAND GALLONS
36 PER DAY OR MORE BUT LESS THAN SEVENTY-FIVE THOUSAND GALLONS PER DAY MAY
37 DISCHARGE UNDER A GENERAL PERMIT IF THE ON-SITE WASTEWATER TREATMENT
38 FACILITY COMPLIES WITH EXISTING GENERAL PERMIT RULES AND IS OPERATED BY A
39 SERVICE PROVIDER THAT IS CERTIFIED BY THE TECHNOLOGY MANUFACTURER. THE
40 DIRECTOR SHALL INCLUDE AN ADDENDUM TO THE GENERAL PERMIT AUTHORIZATION
41 THAT REQUIRES ON-SITE WASTEWATER TREATMENT FACILITIES TO CONDUCT
42 MAINTENANCE, MONITORING, RECORDKEEPING AND REPORTING IN ADDITION TO THE
43 REQUIREMENTS OF THE GENERAL PERMIT.

1 F. FOR AN ON-SITE WASTEWATER TREATMENT FACILITY WITH A DESIGN FLOW
2 OF FIFTY THOUSAND GALLONS PER DAY OR MORE OR FOR A SITE WITH MULTIPLE
3 ON-SITE WASTEWATER TREATMENT FACILITIES WITH A COLLECTIVE DESIGN FLOW OF
4 FIFTY THOUSAND GALLONS PER DAY OR MORE, THE DIRECTOR MAY REQUIRE THE
5 FACILITY BY AN ADDENDUM TO THE GENERAL PERMIT AUTHORIZATION TO PROVIDE
6 ADEQUATE FINANCIAL ASSURANCE.

7 G. THE DIRECTOR SHALL ESTABLISH FEES FOR GENERAL PERMITS ISSUED
8 PURSUANT TO SUBSECTIONS E AND F OF THIS SECTION. THE DEPARTMENT SHALL
9 DEPOSIT THE FEES, PURSUANT TO SECTIONS 35-146 AND 35-147, IN THE WATER
10 QUALITY FEE FUND ESTABLISHED BY SECTION 49-210.

11 H. NOT LATER THAN ONE HUNDRED AND EIGHTY DAYS AFTER THE EFFECTIVE
12 DATE OF REVISED RULES THAT ARE PROPOSED AFTER DECEMBER 31, 2024, AND ONLY
13 FOR ON-SITE WASTEWATER TREATMENT FACILITIES WITH A DESIGN FLOW OF THREE
14 THOUSAND GALLONS PER DAY OR MORE, A PERMITTEE PRESCRIBED BY SUBSECTION E
15 OR F OF THIS SECTION SHALL TRANSITION THE PERMITTEE'S FACILITY CONSISTENT
16 WITH THE REVISED ON-SITE WASTEWATER TREATMENT FACILITY PERMIT PROGRAM.

17 Sec. 2. Legislative intent

18 The legislature intends that the director of the department of
19 environmental quality base fees that are adopted pursuant to section
20 49-245, Arizona Revised Statutes, as amended by this act, on the
21 department's direct and indirect costs associated with the type of
22 activity that is assessed a fee.