

REFERENCE TITLE: helium exploration; aquifer protection permit

State of Arizona  
Senate  
Fifty-seventh Legislature  
First Regular Session  
2025

## **SB 1444**

Introduced by  
Senators Shamp: Carroll, Gowan, Payne, Shope; Representatives Griffin,  
Montenegro

AN ACT

AMENDING SECTION 49-250, ARIZONA REVISED STATUTES; RELATING TO THE AQUIFER  
PROTECTION PROGRAM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 49-250, Arizona Revised Statutes, is amended to  
3 read:

4 49-250. Exemptions

5 A. The director, by rule, may exempt specifically described classes  
6 or categories of facilities from the aquifer protection permit  
7 requirements of this article on a finding either that there is no  
8 reasonable probability of degradation of the aquifer or that aquifer water  
9 quality will be maintained and protected because the discharges from the  
10 facilities are regulated under other federal or state programs that  
11 provide the same or greater aquifer water quality protection as provided  
12 by this article.

13 B. The following are exempt from the aquifer protection permit  
14 requirement of this article:

15 1. Household and domestic activities.

16 2. Household gardening, lawn watering, lawn care, landscape  
17 maintenance and related activities.

18 3. The noncommercial use of consumer products generally available  
19 to and used by the public.

20 4. Ponds used for watering livestock and wildlife.

21 5. Mining overburden returned to the excavation site, including any  
22 common material that has been excavated and removed from the excavation  
23 site and that has not been subjected to any chemical or leaching agent or  
24 process of any kind.

25 6. Facilities used solely for surface transportation or storage of  
26 groundwater, surface water for beneficial use or reclaimed water that is  
27 regulated pursuant to section 49-203, subsection A, paragraph 7 for  
28 beneficial use.

29 7. Discharge to a community sewer system.

30 8. Facilities that are required to obtain a permit for the direct  
31 reuse of reclaimed water.

32 9. Leachate resulting from the direct, natural infiltration of  
33 precipitation through undisturbed regolith or bedrock if pollutants are  
34 not added to the leachate as a result of any material or activity placed  
35 or conducted by man on the ground surface.

36 10. Surface impoundments used solely to contain storm runoff,  
37 except for surface impoundments regulated by the federal clean water act  
38 or article 3.1 of this chapter.

39 11. Closed facilities. However, if the facility ever resumes  
40 operation the facility shall obtain an aquifer protection permit and the  
41 facility shall be treated as a new facility for purposes of section  
42 49-243.

43 12. Facilities for the storage of water pursuant to title 45,  
44 chapter 3.1 unless reclaimed water is added.

1           13. Facilities using central Arizona project water for underground  
2 storage and recovery projects under title 45, chapter 3.1, article 6.

3           14. Water storage at a groundwater saving facility that has been  
4 permitted under title 45, chapter 3.1.

5           15. Application of water from any source, including groundwater,  
6 surface water or wastewater, to grow agricultural crops or for landscaping  
7 purposes, except as provided in section 49-247.

8           16. Discharges to a facility that is exempt pursuant to paragraph 6  
9 of this subsection if those discharges are regulated pursuant to 33 United  
10 States Code section 1342 or article 3.1 of this chapter.

11           17. Solid waste and special waste facilities if rules addressing  
12 aquifer protection are adopted by the director pursuant to section 49-761  
13 or 49-855 and those facilities obtain plan approval pursuant to those  
14 rules. This exemption shall apply only if the director determines that  
15 aquifer water quality standards will be maintained and protected because  
16 the discharges from those facilities are regulated under rules adopted  
17 pursuant to section 49-761 or 49-855 that provide aquifer water quality  
18 protection that is equal to or greater than aquifer water quality  
19 protection provided pursuant to this article.

20           18. Facilities used in:

21           (a) Corrective actions taken pursuant to chapter 6, article 1 of  
22 this title in response to a release of a regulated substance as defined in  
23 section 49-1001 except for those off-site facilities that receive for  
24 treatment or disposal materials that are contaminated with a regulated  
25 substance and that are received as part of a corrective action.

26           (b) Response or remedial actions undertaken pursuant to article 5  
27 of this chapter or pursuant to CERCLA.

28           (c) Corrective actions taken pursuant to the resource conservation  
29 and recovery act of 1976, as amended (42 United States Code sections 6901  
30 through 6992).

31           (d) Other remedial actions that have been reviewed and approved by  
32 the appropriate governmental authority and taken pursuant to applicable  
33 federal or state laws.

34           19. Municipal solid waste landfills as defined in section 49-701  
35 that have solid waste facility plan approval pursuant to section 49-762.

36           20. Storage, treatment or disposal of inert material.

37           21. Structures that are designed and constructed not to discharge  
38 and that are built on an impermeable barrier that can be visually  
39 inspected for leakage.

40           22. Pipelines and tanks designed, constructed, operated and  
41 regularly maintained so as not to discharge.

42           23. Surface impoundments and dry wells that are used to contain  
43 storm water in combination with discharges from one or more of the  
44 following activities or sources:

45           (a) Firefighting system testing and maintenance.

- 1 (b) Potable water sources, including waterline flushings.
- 2 (c) Irrigation drainage and lawn watering.
- 3 (d) Routine external building wash down without detergents.
- 4 (e) Pavement wash water if no spills or leaks of toxic or hazardous
- 5 material have occurred unless all spilled material has first been removed
- 6 and no detergents have been used.
- 7 (f) Air conditioning, compressor and steam equipment condensate
- 8 that has not contacted a hazardous or toxic material.
- 9 (g) Foundation or footing drains in which flows are not
- 10 contaminated with process materials.
- 11 (h) Occupational safety and health administration or mining safety
- 12 and health administration safety equipment.

13 24. Industrial wastewater treatment facilities designed,

14 constructed and operated as required by section 49-243, subsection B,

15 paragraph 1 and using a treatment system approved by the director to treat

16 wastewater to meet aquifer water quality standards prior to discharge, if

17 that water is stored at a groundwater storage facility pursuant to title

18 45, chapter 3.1.

19 25. Any point source discharge caused by a storm event and

20 authorized in a permit issued pursuant to section 402 of the clean water

21 act or an Arizona pollutant discharge elimination system permit under

22 article 3.1 of this chapter.

23 26. Except for class V wells that are operating as prescribed by

24 rules adopted pursuant to article 3.3 of this chapter or 42 United States

25 Code section 300h-1(c), any underground injection well covered by a permit

26 issued under article 3.3 of this chapter or under 42 United States Code

27 section 300h-1(c).

28 27. Coal combustion residuals units that are regulated under 40

29 Code of Federal Regulations part 257, subpart D or by a permit in effect

30 under the coal combustion residuals program established pursuant to

31 chapter 4, article 11 of this title and approved by the United States

32 environmental protection agency as prescribed by 42 United ~~State~~ STATES

33 Code section 6945(d)(1).

34 28. HELIUM EXPLORATION AND PRODUCTION WELLS THAT ARE DESIGNED,

35 CONSTRUCTED, OPERATED AND MAINTAINED TO NOT DISCHARGE A CONTAMINANT INTO

36 AN AQUIFER.

37 Sec. 2. Exemption from rulemaking

38 Notwithstanding any other law, for the purposes of this act, the

39 department of environmental quality is exempt from the rulemaking

40 requirements of title 41, chapter 6, Arizona Revised Statutes, for one

41 year after the effective date of this act.

42 Sec. 3. Legislative intent

43 The legislature intends to reaffirm the public policy of this state

44 consistent with section 27-502, Arizona Revised Statutes, relating to the

45 conservation and development of natural resources, including helium.