

Aquifer Protection Permit Priority List

A.R.S. § 49-242

Unified Water Permits

Governor Hull signed Senate Bill 1379 (the Unified Permit Bill) on April 20, 1999. S.B. 1379 was consensus legislation supported by businesses, cities and environmental communities to develop rules and implement changes to the Aquifer Protection Permit program. These changes will streamline the permitting process while ensuring the continued protection of Arizona's groundwater quality.

In April and May 2000, the Water Permits Section proposed a number of rules that resulted from the combined efforts of stakeholders and ADEQ. These rules are intended to implement the statutory requirements in S.B. 1379 that will take effect Jan. 1, 2001. The rules will eliminate the current duplicative approval process for wastewater treatment facilities, expand the general permitting provisions of the Aquifer Protection Permit Program and simplify the reuse permitting process. The rules include:

- 1) Unified Permit Rule – Will replace the existing Aquifer Protection Permit rule and the relevant sections of the sewerage system rule resulting in the elimination of duplicative regulations.
- 2) Water Quality Management Planning Rule – Will preserve some critical provisions of the sewerage system rule.
- 3) Reclaimed Water Permit Rule – Will replace the existing wastewater reuse rule.
- 4) Reclaimed Water Quality Standards Rule – Will establish treatment standards for wastewater that will be suitable for designated uses.

Increased Efficiency in Issuing Permits, Approvals and Certifications

ADEQ has increased its efficiency in issuing Aquifer Protection Permits (APP). In FY 2000, ADEQ issued 110 permit actions, compared to 104 in FY99 and 88 in FY98. The Water Permits

Section realized efficiencies in other areas as well. The table to the right lists other permits, approvals and certifications issued by the section.

ADEQ continues to evaluate all the permitting and approval processes, improve communication with the regulated commu-

nity, reduce application processing time, and increase permit and approval issuance so that appropriate and necessary environmental controls are in place sooner.

Table V.3. Permits, Approvals and Certifications

	FY 2000	FY 1999
ADWR recharge permits certified	3	6
Reuse permits issued	40	36
Drywell registrations processed	1417	1929
Wastewater approvals to construct issued	413	285
Subdivision approvals issued	178	111
NPDES permits (wastewater) certified	53	29
NPDES permits (stormwater) certified	3	2
401/404 ("dredge-and-fill") permits certified	43	49

Water Quality Fees

ADEQ charges fees for the reasonable cost of providing water quality protection services. These fees are deposited into the Water Quality Fee Fund and are intended to allow the department to recover costs associated with issuing water quality permits. In FY 99, ADEQ and stakeholders worked together to evaluate the revenues derived from and costs incurred for water quality protection services. A report summarizing the results of this review concluded that revenues do not equal the expenses incurred in providing these services. In FY 2000, ADEQ continued to meet with stakeholders to define “reasonable costs” and resolve the identified funding gap. Resolution requires both statutory changes as well as revision of the current fee rule.

House Bill 2418 was signed by Governor Hull on April 28, 2000. This legislation provides for a technical correction to the annual registration fees for groundwater protection, and a new method of calculating maximum fees for APPs through the lesser of an administrative formula or a statutory cap.

Technical Correction

H.B. 2418 corrects a legislative drafting error by including the legislative provision authorizing the Department to charge annual registration fees for Groundwater Quality Protection Permits and Notices of Disposal in the statute itself at A.R.S. § 49-242.

New Method of Calculating APP Maximum Fees

H.B. 2418 establishes a new method of calculating maximum fees for APP permits through the lesser of an administrative formula or a statutory fee cap. The administrative formula is based upon the department’s cost to permit facilities, and recognizes the differences in costs to permit simple and complicated facilities. Importantly,

it allows for the adjustment of fees as economic conditions require, such as increases in salaries, rent and utilities. The legislation provides an alternative to the formula in a fixed statutory fee cap of \$75,000 for individual or area-wide permits, and complex modifications to individual or area-wide permits, \$35,000 for closures of facilities without permits, and \$15,000 for standard modifications to permits. This new method for calculating maximum fees provides fair and equitable treatment for the regulated community by ensuring facilities pay their share of the department’s costs to permit.

House Bill 2418 was signed by Governor Hull on April 28, 2000. This legislation provides for a technical correction to the annual registration fees for groundwater protection, and a new method of calculating maximum fees for APPs through the lesser of an administrative formula or a statutory cap.

The Water Quality Protection Services Fee Rule was published in the Arizona Administrative Register on June 30, 2000. ADEQ proposed this rule to revise the fees charged for Water Quality Protection Services (WQPS). This rulemaking

proposes to allow the hourly rate ADEQ charges for WQPS to be adjusted annually based on actual costs. In addition, ADEQ proposes to charge for more WQPS, bill on a more frequent basis, and set flat fees for general permits. ADEQ is currently developing the response to comments received from the public.

Improvements in Data Management

ADEQ has been criticized for the inadequacy of its Water Permits Section data management capabilities. In Jan. 2000, ADEQ converted to a newly created Windows-based database entitled the Water Quality Permits Database (WQPD). Although the new WQPD is not completely finished, the Water Quality Division's Data Management Group continues its development adding capabilities to meet the Water Permit Section's needs. In the meantime, the WQPD is being populated with only verified data. ADEQ did not bulk transfer information from the old database into the WQPD. ADEQ has hired contract assistance to "clean-up" the old data and to transfer it to the WQPD. In order to ensure that the data are accurate, ADEQ instituted a practice that each supervisor must verify the WQPD is updated accurately prior to signing-off on a permit. In addition, limited access was given to staff to insure greater control over what fields could and could not be changed, thus protecting the quality of data after it is entered into the system.