

House Engrossed Senate Bill

~~remediated water; groundwater; use~~  
(now: remediated groundwater use; date; extension)

State of Arizona  
Senate  
Fifty-fifth Legislature  
First Regular Session  
2021

**CHAPTER 272**  
**SENATE BILL 1366**

AN ACT

AMENDING LAWS 1997, CHAPTER 287, SECTION 52, AS AMENDED BY LAWS 1999,  
CHAPTER 295, SECTION 50; RELATING TO WATER.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Laws 1997, chapter 287, section 52, as amended by Laws  
3 1999, chapter 295, section 50, is amended to read:

4 Sec. 52. Amendment of assured water supply rules; definition

5 A. For each calendar year until ~~2025~~ 2050, the use of up to an  
6 aggregate of sixty-five thousand acre-feet of groundwater withdrawn within  
7 all active management areas pursuant to approved remedial action projects  
8 under CERCLA or title 49, Arizona Revised Statutes, except for groundwater  
9 withdrawn to provide an alternative water supply pursuant to section  
10 49-282.03, Arizona Revised Statutes, shall be considered consistent with  
11 the management goal of the active management area as prescribed in section  
12 45-576, subsection ~~I~~ L, paragraph 2, Arizona Revised Statutes.

13 B. The use of an amount of groundwater withdrawn pursuant to  
14 approved remedial action projects under CERCLA or title 49, Arizona  
15 Revised Statutes, except for groundwater withdrawn to provide an  
16 alternative water supply pursuant to section 49-282.03, Arizona Revised  
17 Statutes, in excess of the aggregate volume of sixty-five thousand acre-  
18 feet of groundwater authorized in subsections A and C of this section  
19 shall be considered consistent with the management goal of the active  
20 management area as prescribed in section 45-576, subsection ~~I~~ L,  
21 paragraph 2, Arizona Revised Statutes, in the following amounts:

22 1. If the groundwater is withdrawn in the second management  
23 period, seventy-five ~~per cent~~ PERCENT of the total volume withdrawn in  
24 excess of the aggregate volume of sixty-five thousand acre-feet of  
25 groundwater authorized in subsections A and C of this section.

26 2. If the groundwater is withdrawn in the third management period,  
27 fifty ~~per cent~~ PERCENT of the total volume withdrawn in excess of the  
28 aggregate volume of sixty-five thousand acre-feet of groundwater  
29 authorized in subsections A and C of this section.

30 3. If the groundwater is withdrawn in the fourth management period,  
31 twenty-five ~~per cent~~ PERCENT of the total volume withdrawn in excess of  
32 the aggregate volume of sixty-five thousand acre-feet of groundwater  
33 authorized in subsections A and C of this section.

34 4. If the groundwater is withdrawn in the fifth management period,  
35 ten ~~per cent~~ PERCENT of the total volume withdrawn in excess of the  
36 aggregate volume of sixty-five thousand acre-feet of groundwater  
37 authorized in subsections A and C of this section.

38 5. If the groundwater is withdrawn after 2025, zero ~~per cent~~  
39 PERCENT of the total volume withdrawn in excess of the aggregate volume of  
40 sixty-five thousand acre-feet of groundwater authorized in subsections A  
41 and C of this section.

42 C. A municipal water provider ~~who~~ THAT proposes to use groundwater  
43 withdrawn pursuant to an approved remedial action project under CERCLA or  
44 title 49, Arizona Revised Statutes, and ~~who~~ THAT wishes to have the  
45 director of water resources determine that the use of some or all of the

1 municipal provider's projected groundwater withdrawals are consistent with  
2 the management goal pursuant to subsection A or B of this section shall  
3 apply for this determination ~~prior to~~ BEFORE January 1, 2010. The amount  
4 of groundwater for which the use is determined to be consistent with the  
5 management goal pursuant to this section shall not exceed the amount that  
6 the municipal provider is legally obligated to withdraw or use and shall  
7 not extend beyond ~~2025~~ 2050. The aggregate volume authorized by the  
8 director pursuant to subsection A of this section shall not exceed  
9 sixty-five thousand acre-feet in any calendar year.

10 D. Not later than January 1, 2001, the director of water resources  
11 shall amend the rules adopted pursuant to section 45-576, subsection H,  
12 Arizona Revised Statutes, to carry out the purpose of this section. ~~Prior~~  
13 ~~to~~ BEFORE the amendment of these rules, the director of water resources  
14 shall treat any groundwater withdrawn pursuant to an approved remedial  
15 action project under CERCLA or title 49, Arizona Revised Statutes, as  
16 consistent with the management goal as provided in subsections A, B and C  
17 of this section.

18 E. For annual remediated groundwater withdrawals of 250 acre-feet  
19 or less that are withdrawn pursuant to an approved remedial action under  
20 CERCLA, the water quality assurance revolving fund program or other  
21 applicable federal or state law, except for groundwater withdrawn to  
22 provide an alternative water supply pursuant to section 49-282.03, Arizona  
23 Revised Statutes, the amount of groundwater withdrawn shall not be debited  
24 against the water provider's assured water supply mined groundwater  
25 account and shall not be subject to a replenishment obligation. An annual  
26 user of 250 acre-feet or less of remediated groundwater shall notify the  
27 department of water resources of compliance with the exemption and these  
28 uses shall not apply in calculating the 65,000 acre-feet per year total  
29 prescribed by subsection A of this section.

30 F. For THE purposes of this section, "CERCLA" has the same meaning  
31 prescribed in section 49-201, Arizona Revised Statutes.

APPROVED BY THE GOVERNOR APRIL 20, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 20, 2021.