

REFERENCE TITLE: on-site wastewater treatment; general permit

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HB 2232

Introduced by
Representative Hendrix

AN ACT

AMENDING SECTIONS 49-210 AND 49-245, ARIZONA REVISED STATUTES; RELATING TO
ON-SITE WASTEWATER TREATMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 49-210, Arizona Revised Statutes, is amended to
3 read:

4 49-210. Water quality fee fund; appropriation; exemption;
5 monies held in trust

6 A. The water quality fee fund is established consisting of monies
7 appropriated by the legislature and fees received pursuant to sections
8 49-104, 49-203, 49-211, 49-241, 49-241.02, 49-242, 49-245, 49-255.01,
9 49-352, 49-353 and 49-361. The director shall administer the fund.

10 B. Monies in the fund are subject to annual legislative
11 appropriation to the department for water quality programs. Monies in the
12 fund are exempt from the provisions of section 35-190 relating to lapsing
13 of appropriations.

14 C. On notice from the director, the state treasurer shall invest
15 and divest monies in the fund as provided by section 35-313, and monies
16 earned from investment shall be credited to the fund.

17 D. Monies in the water quality fee fund shall be used for
18 activities required to implement this chapter, except for articles 1.1 and
19 5 of this chapter, and to implement section 49-104, subsection B,
20 paragraphs 9 through 13 and subsection C.

21 E. Any fee, assessment or other levy that is authorized by law or
22 administrative rule and that is collected and deposited in the water
23 quality fee fund shall be held in trust. The monies in the fund may be
24 used only for the purposes prescribed by statute and shall not be
25 appropriated or transferred by the legislature to fund the general
26 operations of this state or to otherwise meet the obligations of the
27 general fund of this state. This subsection does not apply to any taxes
28 or other levies that are imposed pursuant to title 42 or 43.

29 Sec. 2. Section 49-245, Arizona Revised Statutes, is amended to
30 read:

31 49-245. Criteria for issuing general permit

32 A. The director ~~may~~ **SHALL** issue by rule a general permit for a
33 defined class of facilities if all of the following apply:

34 1. The cost of issuing individual permits cannot be justified by
35 any environmental or public health benefit that may be gained from issuing
36 individual permits.

37 2. The facilities, activities or practices in the class are
38 substantially similar in nature.

39 3. The director is satisfied that appropriate conditions under a
40 general permit for operating the facilities or conducting the activity
41 will meet the applicable requirements in section 49-243 or, as to
42 facilities for which the director has established best management
43 practices, section 49-246.

44 B. In addition to other applicable enforcement actions, if a person
45 violates the conditions of a general permit, the director may revoke the

1 general permit for that person and require that the person obtain an
2 individual permit. A general permit may be revoked, modified or suspended
3 at any time by the director if necessary to comply with this chapter.

4 C. Rules establishing a general permit shall include terms and
5 conditions to ensure that all discharges and facilities will meet the
6 requirements of this chapter and shall provide for the collective or
7 individual revocation of the general permit if necessary to ensure
8 compliance with this chapter.

9 D. Rules adopted pursuant to subsection A of this section may
10 require a person who owns or operates a facility seeking coverage under a
11 general permit to notify the director of the person's intent to operate
12 the facility pursuant to the general permit and pay the applicable fee
13 required pursuant to section 49-203.

14 E. Until revised rules that are proposed after ~~December 31, 2024~~
15 ~~are effective, and only~~ THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS
16 SECTION for on-site wastewater treatment facilities, INCLUDING A LIQUID
17 EFFLUENT COLLECTION SYSTEM AS PRESCRIBED IN SUBSECTION I OF THIS SECTION,
18 with a design flow of three thousand gallons per day or more, an on-site
19 wastewater treatment facility with a design flow of three thousand gallons
20 per day or more but less than seventy-five thousand gallons per day may
21 discharge under a general permit if the on-site wastewater treatment
22 facility complies with ~~existing~~ general permit rules IN EFFECT ON THE
23 EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION and is operated by a
24 service provider that is certified by the technology manufacturer. The
25 director shall include an addendum to the general permit authorization
26 that requires on-site wastewater treatment facilities, INCLUDING A LIQUID
27 EFFLUENT COLLECTION SYSTEM AS PRESCRIBED IN SUBSECTION I OF THIS SECTION,
28 to conduct maintenance, monitoring, recordkeeping and reporting THAT ARE
29 NECESSARY TO ACHIEVE THE SPECIFIED PERFORMANCE LEVELS THROUGHOUT A
30 TWENTY-YEAR LIFE in addition to the requirements of the general permit.

31 F. For an on-site wastewater treatment facility, INCLUDING A LIQUID
32 EFFLUENT COLLECTION SYSTEM AS PRESCRIBED IN SUBSECTION I OF THIS SECTION,
33 with a design flow of fifty thousand gallons per day or more or for a site
34 with multiple on-site wastewater treatment facilities with a collective
35 design flow of fifty thousand gallons per day or more, the director may
36 require the facility by an addendum to the general permit authorization to
37 provide adequate financial assurance.

38 G. The director shall establish fees for general permits issued
39 pursuant to subsections E, ~~and~~ F AND I of this section. The department
40 shall deposit the fees, pursuant to sections 35-146 and 35-147, in the
41 water quality fee fund established by section 49-210. FEES ADOPTED
42 PURSUANT TO THIS SECTION ARE EXEMPT FROM THE REQUIREMENTS OF TITLE 41,
43 CHAPTER 6.

44 H. Not later than one hundred and eighty days after the effective
45 date of revised rules that are proposed after ~~December 31, 2024~~ THE

EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION, and only for on-site wastewater treatment facilities, INCLUDING A LIQUID EFFLUENT COLLECTION SYSTEM AS PRESCRIBED IN SUBSECTION I OF THIS SECTION, with a design flow of three thousand gallons per day or more, a permittee prescribed by subsection E, ~~OR~~ F OR I of this section shall transition the permittee's facility consistent with the revised on-site wastewater treatment facility permit program. THE DIRECTOR MAY NOT DUPLICATE FEES FOR THIS TRANSITION.

1. THE DIRECTOR SHALL AUTHORIZE A LIQUID EFFLUENT COLLECTION SYSTEM TO DISCHARGE PURSUANT TO A GENERAL PERMIT IF ALL OF THE FOLLOWING CONDITIONS APPLY:

1. THE SYSTEM IS DESIGNED AS A SEPTIC TANK EFFLUENT PUMP SYSTEM OR A SEPTIC TANK EFFLUENT GRAVITY SYSTEM, WHICH MAY INCLUDE SEPTIC TANKS, COLLECTION SYSTEMS, SECONDARY TREATMENT AND DISPOSAL SYSTEMS.

2. THE SYSTEM IS DESIGNED TO MEET APPLICABLE GENERAL PERMIT REQUIREMENTS IN EFFECT AS OF THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION.

3. THE SYSTEM, INCLUDING ALL COMPONENTS, SEPTIC TANKS, COLLECTION SYSTEM, SECONDARY TREATMENT AND DISPOSAL SYSTEM, IS OWNED OR OPERATED BY A SINGLE LEGAL ENTITY THAT IS REGULATED BY THE CORPORATION COMMISSION, A SANITARY DISTRICT FORMED PURSUANT TO SECTION 48-2084, A CITY OR A QUALIFIED COUNTY.

Sec. 3. Legislative intent

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