

House Engrossed

temporary non-expansion area

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

HOUSE BILL 2570

AN ACT

AMENDING TITLE 45, CHAPTER 2, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 3.1; AMENDING SECTION 45-596, ARIZONA REVISED STATUTES; RELATING TO GROUNDWATER.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:
Section 1. Title 45, chapter 2, Arizona Revised Statutes, is amended by adding article 3.1, to read:

ARTICLE 3.1. TEMPORARY NON-EXPANSION AREAS

45-445. Temporary non-expansion areas; initiation procedures; petition; definition

A. THE DESIGNATION OF A TEMPORARY NON-EXPANSION AREA IN ANY LOCATION NOT INCLUDED IN AN ACTIVE MANAGEMENT AREA OR AN IRRIGATION NON-EXPANSION AREA MAY BE INITIATED BY PETITION TO THE DIRECTOR SIGNED BY BOTH:

1. AT LEAST ONE-HALF OF THE NUMBER OF IRRIGATION USERS OF GROUNDWATER WITHIN THE BOUNDARIES OF THE GROUNDWATER BASIN OR SUBBASIN SPECIFIED IN THE PETITION.

2. AT LEAST TEN PERCENT OF THE REGISTERED VOTERS RESIDING WITHIN THE BOUNDARIES OF THE GROUNDWATER BASIN OR SUBBASIN SPECIFIED IN THE PETITION AS OF THE MOST RECENT REPORT COMPILED BY THE COUNTY RECORDER IN COMPLIANCE WITH SECTION 16-168, SUBSECTION H. IF A GROUNDWATER BASIN OR SUBBASIN IS LOCATED IN TWO OR MORE COUNTIES, THE NUMBER OF REGISTERED VOTERS REQUIRED TO SIGN THE PETITION SHALL BE AT LEAST TEN PERCENT OF THE REGISTERED VOTERS RESIDING WITHIN THE BOUNDARIES OF THE GROUNDWATER BASIN OR SUBBASIN, AS OF THE MOST RECENT REPORT COMPILED BY THE COUNTY RECORDER IN COMPLIANCE WITH SECTION 16-168, SUBSECTION H, WITHIN THE COUNTY IN WHICH THE PLURALITY OF THE REGISTERED VOTERS IN THE GROUNDWATER BASIN OR SUBBASIN RESIDES.

B. THE FORM OF THE PETITION SHALL BE SUBSTANTIALLY SIMILAR TO AN INITIATIVE PETITION, AND THE APPLICANT FOR SUCH PETITION SHALL COMPLY WITH SECTION 19-111, SUBSECTIONS A, B AND E, EXCEPT THAT THE DUTIES REQUIRED OF THE SECRETARY OF STATE SHALL BE PERFORMED BY THE COUNTY RECORDER OF THE COUNTY IN WHICH THE PLURALITY OF REGISTERED VOTERS IN THE GROUNDWATER BASIN OR SUBBASIN RESIDES. A PETITION MAY NOT BE ACCEPTED MORE THAN ONE HUNDRED EIGHTY DAYS AFTER THE DATE OF SUBMISSION OF THE APPLICATION FOR PETITION.

C. AFTER RECEIVING A PETITION SIGNED BY REGISTERED VOTERS PURSUANT TO SUBSECTION A, PARAGRAPH 2 OF THIS SECTION, THE DIRECTOR SHALL TRANSMIT THE PETITION TO THE COUNTY RECORDER OF EACH COUNTY IN WHICH THE GROUNDWATER BASIN OR SUBBASIN IS LOCATED FOR VERIFICATION OF SIGNATURES. IN ADDITION, THE DIRECTOR SHALL TRANSMIT A MAP OF THE GROUNDWATER BASIN OR SUBBASIN TO THE COUNTY RECORDER OF EACH SUCH COUNTY INCLUDED. THE MAP SHALL BE ON A SCALE ADEQUATE TO SHOW WITH SUBSTANTIAL ACCURACY WHERE THE BOUNDARIES OF THE GROUNDWATER BASIN OR SUBBASIN CROSS THE BOUNDARIES OF COUNTY VOTING PRECINCTS. THE DIRECTOR SHALL ALSO TRANSMIT TO THE COUNTY RECORDER ALL OTHER FACTUAL DATA CONCERNING THE BOUNDARIES OF THE GROUNDWATER BASIN OR SUBBASIN THAT MAY AID THE COUNTY RECORDER IN DETERMINING WHICH REGISTERED VOTERS OF THE COUNTY ARE RESIDENTS OF THE GROUNDWATER BASIN OR SUBBASIN.

1 D. ON VERIFICATION THAT A SUFFICIENT NUMBER OF PERSONS SIGNED THE
2 PETITION IN SUPPORT OF ESTABLISHING A TEMPORARY NON-EXPANSION AREA, THE
3 DEPARTMENT SHALL HOLD A MEETING AS PRESCRIBED IN SECTION 45-445.01.

4 E. IF PROCEDURES ARE INITIATED FOR DESIGNATING A TEMPORARY
5 NON-EXPANSION AREA, AN IRRIGATION USER MAY IRRIGATE WITHIN THE PROPOSED
6 TEMPORARY NON-EXPANSION AREA ONLY ACRES OF LAND THAT WERE IRRIGATED AT ANY
7 TIME DURING THE TEN YEARS PRECEDING THE DATE OF THE NOTICE OF THE
8 INITIATION OF DESIGNATION PROCEDURES.

9 F. THE LIMITATION ON THE ACRES THAT MAY BE IRRIGATED SHALL CONTINUE
10 IN EFFECT UNTIL AN ELECTION IS HELD PURSUANT TO SECTION 45-445.02.

11 G. FOR THE PURPOSES OF THIS SECTION, "IRRIGATION USER OF
12 GROUNDWATER" MEANS ANY PERSON WHO HAS WITHDRAWN GROUNDWATER TO IRRIGATE
13 ACRES WITHIN THE PROPOSED TEMPORARY NON-EXPANSION AREA AT ANY TIME IN THE
14 TEN YEARS PRECEDING WHEN THE PETITION IS SUBMITTED TO INITIATE DESIGNATION
15 PROCEDURES.

16 45-445.01. Meetings; boundaries; notice

17 A. IF A PETITION IS FILED PURSUANT TO SECTION 45-445 WITH A
18 SUFFICIENT NUMBER OF SIGNATURES, THE DIRECTOR SHALL HOLD A PUBLIC MEETING
19 TO DESCRIBE THE BOUNDARIES OF THE PROPOSED TEMPORARY NON-EXPANSION AREA
20 AND TO DESCRIBE THE EFFECT OF A TEMPORARY NON-EXPANSION AREA IF
21 ESTABLISHED.

22 B. THE DIRECTOR SHALL GIVE REASONABLE NOTICE OF THE MEETING,
23 INCLUDING PUBLISHING THE NOTICE ONCE EACH WEEK FOR TWO CONSECUTIVE WEEKS
24 IN A NEWSPAPER OF GENERAL CIRCULATION IN EACH COUNTY IN WHICH THE PROPOSED
25 TEMPORARY NON-EXPANSION AREA IS LOCATED. THE NOTICE SHALL CONTAIN THE
26 TIME AND PLACE OF THE MEETING, THE LEGAL DESCRIPTION AND A MAP CLEARLY
27 IDENTIFYING AND DESCRIBING ALL LANDS TO BE INCLUDED IN THE PROPOSED
28 TEMPORARY NON-EXPANSION AREA AND ANY OTHER INFORMATION THE DIRECTOR DEEMS
29 NECESSARY.

30 C. THE MEETING SHALL BE HELD AT A LOCATION IN THE COUNTY IN WHICH
31 THE MAJOR PORTION OF THE PROPOSED TEMPORARY NON-EXPANSION AREA IS LOCATED
32 NOT MORE THAN SIXTY DAYS AFTER THE FIRST PUBLICATION OF THE NOTICE OF THE
33 MEETING. AT THE MEETING, THE DIRECTOR SHALL PRESENT ANY DATA ON
34 GROUNDWATER LEVELS FOR THE PROPOSED TEMPORARY NON-EXPANSION AREA FROM THE
35 DEPARTMENT AND SHALL DESCRIBE THE EFFECTS OF THE PROPOSED FORMATION OF THE
36 TEMPORARY NON-EXPANSION AREA. ANY PERSON MAY APPEAR AT THE MEETING,
37 EITHER IN PERSON OR BY REPRESENTATIVE AND SUBMIT ORAL OR DOCUMENTARY
38 INFORMATION REGARDING THE PROPOSED ACTION.

39 45-445.02. Election; eligible voters; map

40 A. THE DEPARTMENT SHALL NOTIFY THE COUNTY RECORDER OF EACH COUNTY
41 IN WHICH A PROPOSED TEMPORARY NON-EXPANSION AREA IS LOCATED WHEN THE
42 MEETING PRESCRIBED IN SECTION 45-445.01 IS COMPLETED, AND THE COUNTY
43 RECORDER SHALL PROVIDE NOTICE TO THE COUNTY BOARD OF SUPERVISORS. THE
44 BOARD SHALL CALL FOR AN ELECTION ON THE QUESTION OF DESIGNATING A
45 TEMPORARY NON-EXPANSION AREA WITH BOUNDARIES THAT ARE COTERMINOUS WITH THE

1 BOUNDARIES OF THE GROUNDWATER BASIN OR SUBBASIN SPECIFIED IN THE PETITION.
2 IF THE PROPOSED TEMPORARY NON-EXPANSION AREA IS LOCATED IN MORE THAN ONE
3 COUNTY, THE RESPECTIVE COUNTIES SHALL COOPERATE TO ADMINISTER THE
4 ELECTION. NOTWITHSTANDING ANY OTHER LAW, THE ELECTION SHALL BE CONDUCTED
5 AS PRESCRIBED IN TITLE 16, CHAPTER 4, ARTICLE 8.1, EXCEPT THAT THE
6 ELECTION SHALL INCLUDE ONLY REGISTERED VOTERS WHO RESIDE INSIDE THE
7 BOUNDARIES OF THE PROPOSED TEMPORARY NON-EXPANSION AREA AS ELIGIBLE
8 VOTERS.

9 B. IF A MAJORITY OF THE PERSONS VOTING ON THE QUESTION APPROVE THE
10 FORMATION OF THE TEMPORARY NON-EXPANSION AREA, THE TEMPORARY NON-EXPANSION
11 AREA IS ESTABLISHED, AND THE DIRECTOR SHALL FILE A TRUE COPY OF THE MAP OF
12 THE TEMPORARY NON-EXPANSION AREA IN THE OFFICE OF THE COUNTY RECORDER OF
13 THE COUNTY OR COUNTIES IN WHICH THE TEMPORARY NON-EXPANSION AREA IS
14 LOCATED.

15 C. A TEMPORARY NON-EXPANSION AREA ESTABLISHED PURSUANT TO THIS
16 SECTION MAY INCLUDE MORE THAN ONE GROUNDWATER SUBBASIN BUT MAY NOT BE
17 SMALLER THAN A GROUNDWATER SUBBASIN OR INCLUDE ONLY A PORTION OF A
18 GROUNDWATER SUBBASIN.

19 45-445.03. Temporary non-expansion areas: groundwater users:
20 report

21 A. IF A TEMPORARY NON-EXPANSION AREA IS ESTABLISHED PURSUANT TO
22 SECTION 45-445.02:

23 1. ONLY ACRES OF LAND THAT WERE IRRIGATED AT ANY TIME DURING THE
24 TEN YEARS PRECEDING THE DATE OF THE NOTICE OF THE INITIATION OF
25 DESIGNATION PROCEDURES MAY BE IRRIGATED WITH GROUNDWATER. NO ADDITIONAL
26 LANDS MAY BE IRRIGATED WITH GROUNDWATER FOR A PERIOD OF TEN YEARS AFTER
27 THE DATE THAT THE TEMPORARY NON-EXPANSION AREA IS ESTABLISHED. LAND THAT
28 WAS NOT IRRIGATED AT ANY TIME DURING THIS TEN-YEAR PERIOD IS DEEMED TO
29 HAVE BEEN IN IRRIGATION IF THE DIRECTOR FINDS THAT SUBSTANTIAL CAPITAL
30 INVESTMENT HAS BEEN MADE FOR THE SUBJUGATION OF THE LAND FOR AN IRRIGATION
31 USE, INCLUDING ON-SITE IRRIGATION DISTRIBUTION FACILITIES AND A WELL OR
32 WELLS THE DRILLING AND CONSTRUCTION OF WHICH WERE SUBSTANTIALLY COMMENCED
33 BEFORE THE DATE OF THE NOTICE OF THE INITIATION OF DESIGNATION PROCEDURES.

34 2. A PERSON MAY NOT WITHDRAW GROUNDWATER FROM A NON-EXEMPT WELL IN
35 AN AMOUNT GREATER THAN THE PERSON'S HIGHEST LEVEL OF ANNUAL WITHDRAWAL IN
36 ANY ONE OF THE TEN YEARS PRECEDING THE DATE OF THE NOTICE OF THE
37 INITIATION OF THE DESIGNATION PROCEDURES.

38 3. THE DEPARTMENT MAY NOT ISSUE A DRILLING CARD THAT AUTHORIZES THE
39 DRILLING OF A WELL IN THE TEMPORARY NON-EXPANSION AREA, EXCEPT THAT A
40 PERSON MAY DEEPEN AN EXISTING WELL OR DRILL OR CAUSE TO BE DRILLED A
41 REPLACEMENT WELL IN APPROXIMATELY THE SAME LOCATION, A NEW WELL THAT WILL
42 BE USED AS A RECOVERY WELL PURSUANT TO SECTION 45-834.01 OR AN EXEMPT WELL
43 IN THE TEMPORARY NON-EXPANSION AREA IF A NOTICE OF INTENTION TO DRILL IS
44 FIRST FILED PURSUANT TO SECTION 45-596, SUBSECTION C.

1 B. ON COMPLETION OF THE TEN-YEAR PERIOD:

2 1. SUBSECTION A OF THIS SECTION NO LONGER APPLIES.

3 2. A PERSON MAY WITHDRAW GROUNDWATER CONSISTENT WITH THE LAWS OF
4 THIS STATE FOR A GROUNDWATER BASIN OR SUBBASIN NOT LOCATED IN AN ACTIVE
5 MANAGEMENT AREA OR IRRIGATION NON-EXPANSION AREA.

6 3. THE DEPARTMENT MAY ISSUE A DRILLING CARD THAT AUTHORIZES THE
7 DRILLING OF A WELL IN THE TEMPORARY NON-EXPANSION AREA.

8 4. THE DEPARTMENT SHALL REVIEW THE STATUS OF GROUNDWATER IN THE
9 TEMPORARY NON-EXPANSION AREA, SHALL ESTIMATE THE AMOUNT OF ANY CHANGE IN
10 GROUNDWATER LEVELS IN THE AREA, SHALL SUBMIT A REPORT ON THE DEPARTMENT'S
11 FINDINGS TO THE GOVERNOR, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF
12 THE HOUSE OF REPRESENTATIVES AND SHALL PROVIDE A COPY OF THIS REPORT TO
13 THE SECRETARY OF STATE.

14 Sec. 2. Section 45-596, Arizona Revised Statutes, is amended to
15 read:

16 45-596. Notice of intention to drill; fee

17 A. In an area not subject to active management, a person may not
18 drill or cause to be drilled any well or deepen an existing well without
19 first filing notice of intention to drill pursuant to subsection C of this
20 section or obtaining a permit pursuant to section 45-834.01. Only one
21 notice of intention to drill is required for all wells that are drilled by
22 or for the same person to obtain geophysical, mineralogical or
23 geotechnical data within a single section of land.

24 B. In an active management area, a person may not drill or cause to
25 be drilled an exempt well, a replacement well in approximately the same
26 location or any other well for which a permit is not required under this
27 article, article 7 of this chapter or section 45-834.01 or deepen an
28 existing well without first filing a notice of intention to drill pursuant
29 to subsection C of this section. Only one notice of intention to drill is
30 required for all wells that are drilled by or for the same person to
31 obtain geophysical, mineralogical or geotechnical data within a single
32 section of land.

33 C. A notice of intention to drill shall be filed with the director
34 on a form that is prescribed and furnished by the director and that shall
35 include:

36 1. The name and mailing address of the person filing the notice.

37 2. The legal description of the land on which the well is proposed
38 to be drilled and the name and mailing address of the owner of the land.

39 3. The legal description of the location of the well on the land.

40 4. The depth, diameter and type of casing of the proposed well.

41 5. Such legal description of the land on which the groundwater is
42 proposed to be used as may be required by the director to administer this
43 chapter.

44 6. When construction is to begin.

1 7. The proposed uses to which the groundwater will be applied.
2 8. The name and well driller's license number of the well driller
3 who is to construct the well.

4 9. The design pumping capacity of the well.
5 10. If for a replacement well, the maximum capacity of the original
6 well and the distance of the replacement well from the original well.

7 11. Proof that the director determines to be satisfactory that the
8 person proposing to construct the well holds a valid license issued by the
9 registrar of contractors pursuant to title 32, chapter 10 and that the
10 license is of the type necessary to construct the well described in the
11 notice of intention to drill. If the proposed well driller does not hold
12 a valid license, the director may accept proof that the proposed well
13 driller is exempt from licensing as prescribed by section 32-1121.

14 12. If any water from the proposed well will be used for domestic
15 purposes as defined in section 45-454, evidence of compliance with the
16 requirements of subsection F of this section.

17 13. If for a second exempt well at the same location for the same
18 use pursuant to section 45-454, subsection I, proof that the requirements
19 of that subsection are met.

20 14. If for a well to obtain geophysical, mineralogical or
21 geotechnical data within a single section of land, the information
22 prescribed by this subsection for each well that will be included in that
23 section of land before each well is drilled.

24 15. Such other information as the director may require.
25 D. On receiving a notice of intention to drill and the fee required
26 by subsection L of this section, the director shall endorse on the notice
27 the date of its receipt. The director shall then determine whether all
28 information that is required has been submitted and whether the
29 requirements of subsection C, paragraphs 11 and 12 and subsection I of
30 this section have been met. If so, within fifteen days ~~of~~ AFTER receipt
31 of the notice, or ~~such~~ A longer time as provided in subsection J of this
32 section, the director shall record the notice, mail a drilling card that
33 authorizes the drilling of the well to the well driller identified in the
34 notice and mail written notice of the issuance of the drilling card to the
35 person filing the notice of intention to drill at the address stated in
36 the notice. **IF THE WELL TO BE DRILLED IS LOCATED IN A TEMPORARY
37 NON-EXPANSION AREA, THE DIRECTOR MAY ONLY RECORD THE NOTICE, MAIL THE
38 DRILLING CARD THAT AUTHORIZES THE DRILLING OF THE WELL AND MAIL WRITTEN
39 NOTICE OF THE ISSUANCE OF THE DRILLING CARD IF THE WELL IS DRILLED
40 PURSUANT TO SECTION 45-445.03, SUBSECTION A, PARAGRAPH 3.** On receipt of
41 the drilling card, the well driller may proceed to drill or deepen the
42 well as described in the notice of intention to drill. If the director
43 determines that the required information has not been submitted or that
44 the requirements of subsection C, paragraphs 11 and 12 or subsection I of
45 this section have not been met, the director shall mail a statement of the

1 determination to the person giving the notice to the address stated in the
2 notice, and the person giving the notice may not proceed to drill or
3 deepen the well.

4 E. The well shall be completed within one year after the date of
5 the notice unless the director approves a longer period of time pursuant
6 to this subsection. If the well is not completed within one year or
7 within the time approved by the director pursuant to this subsection, the
8 person shall file a new notice before proceeding with further
9 construction. At the time the drilling card for the well is issued, the
10 director may provide for and approve a completion period that is greater
11 than one year but not to exceed five years from the date of the notice if
12 both of the following apply:

13 1. The proposed well is a nonexempt well within an active
14 management area and qualifies as a replacement well in approximately the
15 same location as prescribed in rules adopted by the director pursuant to
16 section 45-597.

17 2. The applicant has submitted evidence that demonstrates one of
18 the following:

19 (a) This state or a political subdivision of this state has
20 acquired or has begun a condemnation action to acquire the land on which
21 the original well is located.

22 (b) The original well has been rendered inoperable due to flooding,
23 subsidence or other extraordinary physical circumstances that are beyond
24 the control of the well owner.

25 F. If any water from a proposed well will be used for domestic
26 purposes as defined in section 45-454 on a parcel of land of five or fewer
27 acres, the applicant shall submit a well site plan of the property with
28 the notice of intention to drill. The site plan shall:

29 1. Include the county assessor's parcel identification number.
30 2. Show the proposed well location and the location of any septic
31 tank or sewer system that is either located on the property or within one
32 hundred feet of the proposed well site.

33 3. Show written approval by the county health authority that
34 controls the installation of septic tanks or sewer systems in the county,
35 or by the local health authority in areas where the authority to control
36 installation of septic tanks or sewer systems has been delegated to a
37 local authority. In areas where there is no local or county authority
38 that controls the installation of septic tanks or sewer systems, the
39 applicant shall apply for approval directly to the department of water
40 resources.

41 G. Before approving a well site plan submitted pursuant to
42 subsection F of this section, the county or local health authority or the
43 department of water resources, as applicable, pursuant to subsection F of
44 this section, shall review the well site plan and determine whether the
45 proposed well location complies with applicable local laws, ordinances and

1 regulations and any laws or rules adopted under this title and title 49
2 regarding the placement of wells and the proximity of wells to septic
3 tanks or sewer systems. If the health authority or the department of
4 water resources, as applicable, pursuant to subsection F of this section,
5 finds that the proposed well location complies with this title and title
6 49 and with local requirements, it shall endorse the site plan and the
7 proposed well placement in a manner indicating approval. On endorsement,
8 the director of water resources shall approve the construction of the
9 well, if all remaining requirements have been met. If the health
10 authority is unable to determine whether the proposed well location
11 complies with this title and title 49 and local requirements, it shall
12 indicate this on the site plan and the decision to approve or reject the
13 proposed construction rests with the director of water resources. If
14 parcel size, geology or location of improvements on the property prevents
15 the well from being drilled in accordance with this title and title 49 or
16 local requirements, the property owner may apply for a variance. The
17 property owner shall make the request for a variance to the county or
18 local authority if a county or local law, ordinance or regulation prevents
19 the proposed construction. If a law or rule adopted under this title or
20 title 49 prevents the proposed construction, the property owner shall make
21 the request for a variance directly to the department of water resources.
22 The request for a variance shall be in the form and shall contain the
23 information that the department of water resources, county or local
24 authority may require. The department of water resources, or the county
25 or local authority whose law, ordinance or regulation prevents the
26 proposed construction, may expressly require that a particular variance
27 shall include certification by a registered professional engineer or
28 geologist that the location of the well will not pose a health hazard to
29 the applicant or surrounding property or inhabitants. If all necessary
30 variances are obtained, the director of water resources shall approve the
31 construction of the well if all remaining requirements have been met.

32 H. If a well that was originally drilled as an exploration well, a
33 monitor well or a piezometer well or for any use other than domestic use
34 is later proposed to be converted to use for domestic purposes as defined
35 in section 45-454, the well owner shall file a notice of intention to
36 drill and shall comply with this section before the well is converted and
37 any water from that well is used for domestic purposes.

38 I. Except as prescribed in subsection K of this section, the
39 director shall not approve the drilling of the well if the director
40 determines that the well will likely cause the migration of contaminated
41 groundwater from a remedial action site to another well, resulting in
42 unreasonably increasing damage to the owner of the well or persons using
43 water from the well. In making this determination, the director of water
44 resources shall follow the applicable criteria in the rules adopted by the
45 director of water resources pursuant to section 45-598, subsection A and

1 shall consult with the director of environmental quality. For the
2 purposes of this subsection:

3 1. "Contaminated groundwater" means groundwater that has been
4 contaminated by a release of a hazardous substance, as defined in section
5 49-201, or a pollutant, as defined in section 49-201.

6 2. "Remedial action site" means any of the following:

7 (a) The site of a remedial action undertaken pursuant to the
8 comprehensive environmental response, compensation, and liability act of
9 1980, as amended (P.L. 96-510; 94 Stat. 2767; 42 United States Code
10 sections 9601 through 9657), commonly known as "superfund".

11 (b) The site of a corrective action undertaken pursuant to title
12 49, chapter 6.

13 (c) The site of a voluntary remediation action undertaken pursuant
14 to title 49, chapter 1, article 5.

15 (d) The site of a remedial action undertaken pursuant to title 49,
16 chapter 2, article 5, including mitigation of a nonhazardous release
17 undertaken pursuant to an order issued by the department of environmental
18 quality pursuant to section 49-286.

19 (e) The site of a remedial action undertaken pursuant to the
20 resource conservation and recovery act of 1976 (P.L. 94-580; 90 Stat.
21 2795; 42 United States Code sections 6901 through 6992).

22 (f) The site of remedial action undertaken pursuant to the
23 department of defense environmental restoration program (P.L. 99-499; 100
24 Stat. 1719; 10 United States Code section 2701).

25 J. Except as prescribed in subsection K of this section, the
26 director shall approve or deny the drilling of a well within forty-five
27 days after receipt of the notice of intention to drill if one of the
28 following applies:

29 1. The proposed well is located within a remedial action site.

30 2. The proposed well is located within one mile of any of the
31 following remedial action sites:

32 (a) A remedial action undertaken pursuant to title 49, chapter 2,
33 article 5, including mitigation of a nonhazardous release undertaken
34 pursuant to an order issued by the department of environmental quality
35 pursuant to section 49-286.

36 (b) A remedial action undertaken pursuant to the comprehensive
37 environmental response, compensation, and liability act of 1980, as
38 amended (P.L. 96-510; 94 Stat. 2767; 42 United States Code sections 9601
39 through 9657), commonly known as "superfund".

40 (c) A remedial action undertaken pursuant to the department of
41 defense environmental restoration program (P.L. 99-499; 100 Stat. 1719; 10
42 United States Code section 2701).

1 3. The proposed well is located within one-half mile of either of
2 the following remedial action sites:

3 (a) A remedial action undertaken pursuant to title 49, chapter 1,
4 article 5.

5 (b) A remedial action undertaken pursuant to the resource
6 conservation and recovery act of 1976 (P.L. 94-580; 90 Stat. 2795; 42
7 United States Code sections 6901 through 6992).

8 4. The proposed well is located within five hundred feet of the
9 site of a corrective action undertaken pursuant to title 49, chapter 6.

10 K. Subsections I and J of this section do not apply to the
11 deepening of a well or to the drilling of a replacement well in
12 approximately the same location.

13 L. A notice of intention to drill filed under this section shall be
14 accompanied by a filing fee of ~~one hundred fifty dollars~~ \$150, except that
15 a notice filed for a proposed well that will not be located within an
16 active management area or an irrigation nonexpansion area, that will be
17 used solely for domestic purposes as defined in section 45-454 and that
18 will have a pump with a maximum capacity of not more than thirty-five
19 gallons per minute shall be accompanied by a filing fee of ~~one hundred~~
20 ~~dollars~~ \$100. The director shall deposit, pursuant to sections 35-146 and
21 35-147, all fees collected pursuant to this subsection in the well
22 administration and enforcement fund established by section 45-606.