

FILED

State of Arizona
Senate
Forty-second Legislature
Second Regular Session
1996

**Jane Dee Hull
Secretary of State**

CHAPTER 149

SENATE BILL 1368

AN ACT

AMENDING SECTION 49-352, ARIZONA REVISED STATUTES; RELATING TO POTABLE WATER SYSTEMS.

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

2 Section 1. Section 49-352, Arizona Revised Statutes, is amended to
3 read:

4 49-352. Classifying systems and certifying personnel:
5 limitation; definitions

6 A. The department shall establish and enforce rules for the
7 classification of systems for potable water and certifying operating
8 personnel according to the skill, knowledge and experience necessary within
9 the classification. The rules shall also provide that operating personnel
10 may be certified on the basis of training and supervision at the place of
11 employment. The department may assess and collect reasonable certification
12 fees to reimburse the cost of certification services, which shall be
13 deposited in the state general fund. Such rules apply to all public and
14 semipublic water systems involved in the collection, storage, treatment or
15 distribution of potable water, except systems subject to subsection B OR C.
16 The rules do not apply to irrigation, industrial or similar systems where the
17 water is used for nonpotable purposes.

18 B. The regulatory authority of the department does not extend to
19 private agricultural water systems unless a health hazard is identified. ~~In~~
20 ~~such cases~~ IF A HEALTH HAZARD IS IDENTIFIED, the department may impose
21 requirements as may be necessary to safeguard the health of users. ~~For the~~
22 ~~purposes of this subsection, "private agricultural water system" means a~~
23 ~~water system which:~~

1 ~~1. Is owned and operated as part of an agricultural enterprise.~~

2 ~~2. Has fewer than fifteen service connections or serves fewer than~~
3 ~~twenty five persons, or both, on the real property of the agricultural~~
4 ~~enterprise.~~

5 ~~3. Serves only the owner, employees and their dependents residing on~~
6 ~~the real property of the agricultural enterprise.~~

7 ~~4. Does not sell water for domestic purposes and does not hold out,~~
8 ~~offer or provide water to the public at large.~~

9 C. THE REGULATORY AUTHORITY OF THE DEPARTMENT DOES NOT EXTEND TO
10 SEMIPRIVATE AGRICULTURAL WATER SYSTEMS UNLESS A HEALTH HAZARD IS IDENTIFIED.
11 IF A HEALTH HAZARD IS IDENTIFIED, THE DEPARTMENT MAY IMPOSE REQUIREMENTS AS
12 MAY BE NECESSARY TO SAFEGUARD THE HEALTH OF USERS.

13 D. THE QUALITY OF WATER SUPPLIED BY A SEMIPRIVATE AGRICULTURAL WATER
14 SYSTEM SHALL COMPLY WITH MAXIMUM CONTAMINANT LEVELS FOR NITRATES, NITRITES
15 AND TOTAL COLIFORM BACTERIA.

16 E. PURSUANT TO TESTING REQUIREMENTS ESTABLISHED BY RULE BY THE
17 DEPARTMENT, A SEMIPRIVATE AGRICULTURAL WATER SYSTEM SHALL CONDUCT AN ANNUAL
18 TEST FOR ACUTE CONTAMINATION AND SHALL SUBMIT THE RESULTS TO THE DEPARTMENT.

19 F. PURSUANT TO MAXIMUM CONTAMINANT LEVELS ESTABLISHED BY THE
20 DEPARTMENT BY RULE, WITHIN SIX MONTHS OF BECOMING A SEMIPRIVATE AGRICULTURAL
21 WATER SYSTEM AND ONCE EVERY THREE YEARS THEREAFTER, THE SYSTEM SHALL CONDUCT
22 A TEST FOR INORGANIC CHEMICALS, ASBESTOS, VOLATILE ORGANIC CHEMICALS,
23 RADIOCHEMICALS AND SYNTHETIC ORGANIC CHEMICALS.

24 G. IF THE WATER SUPPLIED BY A PRIVATE AGRICULTURAL WATER SYSTEM OR
25 SEMIPRIVATE AGRICULTURAL WATER SYSTEM EXCEEDS THE MAXIMUM CONTAMINANT LEVELS
26 FOR NITRATES, NITRITES OR TOTAL COLIFORM BACTERIA, OR IF TESTS CONDUCTED
27 PURSUANT TO SUBSECTION F INDICATE THAT THE SYSTEM EXCEEDS THE MAXIMUM
28 CONTAMINANT LEVELS ESTABLISHED UNDER SUBSECTION F THE PRIVATE AGRICULTURAL
29 WATER SYSTEM OR SEMIPRIVATE AGRICULTURAL WATER SYSTEM SHALL NOTIFY ALL OF THE
30 PERSONS SERVED BY THE PRIVATE AGRICULTURAL WATER SYSTEM OR SEMIPRIVATE
31 AGRICULTURAL WATER SYSTEM AND EITHER:

32 1. STOP DELIVERY OF WATER FOR DRINKING PURPOSES AND SUBMIT TO
33 MONITORING PURSUANT TO RULES ADOPTED BY THE DEPARTMENT UNTIL THE CONTAMINANT
34 LEVELS FOR NITRATES, NITRITES, TOTAL COLIFORM BACTERIA, INORGANIC CHEMICALS,
35 ASBESTOS, VOLATILE ORGANIC CHEMICALS, RADIOCHEMICALS AND SYNTHETIC ORGANIC
36 CHEMICALS ARE AT OR BELOW THE MAXIMUM ALLOWABLE LEVELS.

37 2. PROVIDE ALTERNATIVE DRINKING WATER SUCH AS BOTTLED WATER TO ALL
38 PERSONS SERVED BY THE PRIVATE AGRICULTURAL WATER SYSTEM OR SEMIPRIVATE
39 AGRICULTURAL WATER SYSTEM.

40 ~~G.~~ H. Except as provided in this subsection, the regulatory authority
41 of the department does not extend to semipublic water systems unless a health
42 hazard is identified. The quality of water supplied by a semipublic water
43 system which serves at least four service connections shall comply with
44 maximum contaminant levels and testing requirements established by rule by

1 the department. In lieu of having a certified operator available, the owner
2 or operator is required to take a course or courses approved by the
3 department or pass a written test administered by the department.

4 I. FOR PURPOSES OF THIS SECTION:

5 1. "PRIVATE AGRICULTURAL WATER SYSTEM" MEANS A WATER SYSTEM, EXCEPT
6 A SEMIPUBLIC WATER SYSTEM, THAT:

7 (a) IS OWNED AND OPERATED AS PART OF AN AGRICULTURAL ENTERPRISE.

8 (b) HAS FEWER THAN FIFTEEN SERVICE CONNECTIONS OR SERVES FEWER THAN
9 TWENTY-FIVE PERSONS, OR BOTH, ON THE REAL PROPERTY OF THE AGRICULTURAL
10 ENTERPRISE.

11 (c) SERVES ONLY THE OWNER, EMPLOYEES AND THEIR DEPENDENTS RESIDING ON
12 THE REAL PROPERTY OF THE AGRICULTURAL ENTERPRISE.

13 (d) DOES NOT SELL WATER FOR DOMESTIC PURPOSES AND DOES NOT HOLD OUT,
14 OFFER OR PROVIDE WATER TO THE PUBLIC AT LARGE.

15 2. "SEMIPRIVATE AGRICULTURAL WATER SYSTEM" MEANS A WATER SYSTEM THAT:

16 (a) IS OWNED AND OPERATED AS PART OF AN AGRICULTURAL ENTERPRISE.

17 (b) HAS MORE THAN FIFTEEN SERVICE CONNECTIONS OR SERVES MORE THAN
18 TWENTY-FIVE PERSONS, OR BOTH, ON THE REAL PROPERTY OF THE AGRICULTURAL
19 ENTERPRISE.

20 (c) SERVES ONLY THE OWNER, EMPLOYEES AND THEIR DEPENDENTS RESIDING ON
21 THE REAL PROPERTY OF THE AGRICULTURAL ENTERPRISE.

22 (d) DOES NOT SELL WATER FOR DOMESTIC PURPOSES AND DOES NOT HOLD OUT,
23 OFFER OR PROVIDE WATER TO THE PUBLIC AT LARGE.

24 Sec. 2. Delayed effective date

25 Section 49-352, Arizona Revised Statutes, as amended by this act, is
26 effective from and after July 1, 1997.

APPROVED BY THE GOVERNOR APRIL 10, 1996

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 11, 1996.