House Engrossed Senate Bill

State of Arizona
Senate
Forty-fifth Legislature
First Regular Session
2001

CHAPTER 178

# SENATE BILL 1365

AN ACT

AMENDING SECTION 49-360, ARIZONA REVISED STATUTES; AMENDING LAWS 1998, CHAPTER 298, SECTION 30; RELATING TO POTABLE WATER SYSTEMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 49-360, Arizona Revised Statutes, is amended to read:

49-360. Monitoring assistance program for public water systems; monitoring assistance fund; rules

A. ~~By January 1, 1999,~~ The department shall establish a monitoring assistance program to assist public water systems in complying with monitoring requirements under the federal safe drinking water act (P.L. 93-523; 88 Stat. 1660; P.L. 95-190; 91 Stat. 1393; P.L. 104-182; 110 Stat. 1613), as amended in 1996. The program shall provide for the collection, transportation and analysis of baseline samples from public water systems in a frequency sufficient to keep the systems in compliance with the federal safe drinking water act requirements (P.L. 93-523; 88 Stat. 1660; P.L. 95-190; 91 Stat. 1393; P.L. 104-182; 110 Stat. 1613), as amended in 1996. At a minimum, the program shall include monitoring for the following categories of contaminants:

1. Volatile organic chemicals.

2. Synthetic organic chemicals.

3. Inorganic chemicals except for ~~asbestos,~~ copper, lead~~,~~ AND nitrates ~~and nitrites~~.

4. RADIOCHEMICALS.

B. The department shall contract with one or more private parties or statewide nonprofit organizations representing water systems to implement the monitoring assistance program subject to available funding. Contracts shall be awarded for up to three years, beginning January 1, 1999. Entities with which the department contracts shall:

1. Provide updated monitoring schedules, developed in conjunction with the department, to participating water systems.

2. Take samples for participating water systems, allow for certified operators to take samples and train system personnel to take samples.

3. Assist participating water systems when resampling is required by the federal safe drinking water act.

4. Assist participating water systems to apply for and qualify for available interim monitoring relief and waivers.

5. Provide any other on-site technical assistance necessary to help the participating water systems comply with the monitoring requirements of the federal safe drinking water act.

C. Any public water systems serving more than ten thousand persons may elect to participate in the monitoring assistance program subject to the payment of the fees pursuant to subsection F of this section.

D. The department shall utilize licensed environmental laboratories as defined by section 36-495 or laboratories certified or designated by the United States environmental protection agency, to analyze samples collected under the monitoring assistance program. The department shall establish specific criteria for measuring contractor qualifications and performance.

E. Each environmental laboratory that the department utilizes pursuant to subsection D of this section shall deliver copies of the analysis results to the water system owner, the monitoring assistance program contractor and the department.

F. The director shall establish fees for the monitoring assistance program to be collected from all public water systems serving up to ten thousand persons. The participating water systems shall remit these fees to the department for deposit in the monitoring assistance fund.

G. The monitoring assistance fund is established consisting of fees collected from participating public water systems pursuant to subsection F of this section. The director shall administer the fund. IF THE FUND HAS A SURPLUS AFTER EXECUTION OF THE PREVIOUS YEAR'S CONTRACT, ANY SURPLUS IN EXCESS OF TWO HUNDRED THOUSAND DOLLARS IN ANY YEAR SHALL BE USED TO REDUCE THE FEE FOR THE SUBSEQUENT YEAR IN A MANNER CONSISTENT WITH THE PROGRAM INVOICING SYSTEM. Monies in the fund shall be used to pay the monitoring assistance program contractors, the environmental laboratories utilized for the purposes of this section and administrative costs incurred by the department. Monies in the fund are exempt from lapsing pursuant to section 35-190. Interest earned on monies in the fund shall be credited to the fund. The ALLOWABLE administrative costs of the department are limited to no more than ~~ten~~ FIFTEEN per cent of monies deposited in the fund annually OR ONE HUNDRED EIGHTY-FOUR THOUSAND DOLLARS, WHICHEVER IS LESS. As used in this subsection, administrative costs include only those costs necessary to perform the following:

1. To assure contractor performance and quality control.
2. Administration of the contracts.
3. Collection of fees as provided in subsection F of this section.
4. Providing direct technical assistance related to the implementation of the monitoring assistance program only to the extent the department's assistance is required by this section.

~~H. Any public water system participating in the monitoring assistance program that is in compliance with monitoring requirements for volatile organic chemicals, synthetic organic chemicals and inorganic chemicals, except for asbestos, copper, lead, nitrates and nitrites, may opt out of the program from and after January 1, 2002, by submitting a request to the department by September 1, 2001 that includes both of the following:~~

~~1. The name and address of the certified operator for the system.~~

~~2. A monitoring plan for the next monitoring period that demonstrates the system's ability to stay in compliance with all monitoring requirements and includes a schedule for required sampling.~~

~~I.~~ H. The department shall adopt rules for the monitoring assistance program.

~~J.~~ I. Any site visit made pursuant to this section by a monitoring assistance program contractor shall not be regarded as an inspection or investigation. No enforcement actions shall be taken as a result of these

site visits except that nothing in this section affects the authority of the department to enforce the provisions of this article pursuant to section 3-354.

Sec. 2. Laws 1998, chapter 298, section 30 is amended to read:

Sec. 30. Delayed repeal

Section 49-360, Arizona Revised Statutes, as added by this act, is repealed from and after January 1, ~~2002~~ 2005.

APPROVED BY THE GOVERNOR APRIL 21, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 23, 2001.

Passed the House April 09, 2001,

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting

Speaker of the House

Norman L. Moore

Chief Clerk of the House

Passed the Senate February 21, 2001,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

President of the Senate

Charmin Billington

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

_____
Secretary to the Governor

Approved this _____ day of

_____, 20_____,

at _____ o'clock _____ M.

_____
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

_____
Secretary of State

S.B. 1365

**SENATE CONCURS IN HOUSE AMENDMENTS AND FINAL PASSAGE**

Passed the Senate April 16, 2001,

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

President of the Senate

Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA**
**OFFICE OF GOVERNOR**

This Bill was received by the Governor this

16 day of April, 2001,

at 2:59 o'clock P M.

Secretary to the Governor

APPROVED THIS 21 day of

April, 2001,

at 9:59 o'clock A M.

Governor of Arizona

**EXECUTIVE DEPARTMENT OF ARIZONA**
**OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this 23 day of April, 2001,

at 4:45 o'clock P M.

Secretary of State

**S.B. 1365**