

Senate Engrossed

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
Senate  
Forty-seventh Legislature  
Second Regular Session  
2006

CHAPTER 32

**SENATE BILL 1140**

AN ACT

REPEALING SECTION 49-359, ARIZONA REVISED STATUTES; AMENDING SECTION 49-360,  
ARIZONA REVISED STATUTES; RELATING TO POTABLE WATER SYSTEMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Repeal

3 Section 49-359, Arizona Revised Statutes, is repealed.

4 Sec. 2. Section 49-360, Arizona Revised Statutes, is amended to read:

5 49-360. Monitoring assistance program for public water systems;  
6 monitoring assistance fund; rules

7 A. The department shall establish a monitoring assistance program to  
8 assist public water systems in complying with monitoring requirements under  
9 the federal safe drinking water act (P.L. 93-523; 88 Stat. 1660; P.L. 95-190;  
10 91 Stat. 1393; P.L. 104-182; 110 Stat. 1613; 42 UNITED STATES CODE SECTIONS  
11 300f THROUGH 300j-26), as amended ~~in 1996~~. The program shall provide for the  
12 collection, transportation and analysis of baseline samples from public water  
13 systems in a frequency sufficient to keep the systems in compliance with the  
14 federal safe drinking water act requirements (~~P.L. 93-523; 88 Stat. 1660;~~  
15 ~~P.L. 95-190; 91 Stat. 1393; P.L. 104-182; 110 Stat. 1613~~), as amended ~~in~~  
16 ~~1996~~. At a minimum, the program shall include monitoring for the following  
17 categories of contaminants:

- 18 1. Volatile organic chemicals.
- 19 2. Synthetic organic chemicals.
- 20 3. Inorganic chemicals except for copper, ~~AND lead and nitrates.~~
- 21 4. Radiochemicals.

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

- 27 1. Provide updated monitoring schedules, developed in conjunction with  
28 the department, to participating water systems.
- 29 2. Take samples for participating water systems, allow for certified  
30 operators to take samples and train system personnel to take samples.
- 31 3. Assist participating water systems when resampling is required by  
32 the federal safe drinking water act.
- 33 4. Assist participating water systems to apply for and qualify for  
34 available interim monitoring relief and waivers.
- 35 5. Provide any other on-site technical assistance necessary to help  
36 the participating water systems comply with the monitoring requirements of  
37 the federal safe drinking water act.

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

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

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

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

9 G. The monitoring assistance fund is established consisting of fees  
10 collected from participating public water systems pursuant to subsection F of  
11 this section. The director shall administer the fund. If the fund has a  
12 surplus after execution of the previous year's contract, any surplus in  
13 excess of two hundred thousand dollars in any year shall be used to reduce  
14 the fee for the subsequent year in a manner consistent with the program  
15 invoicing system. Monies in the fund shall be used to pay the monitoring  
16 assistance program contractors, the environmental laboratories utilized for  
17 the purposes of this section and administrative costs incurred by the  
18 department. Monies in the fund are exempt from lapsing pursuant to section  
19 35-190. Interest earned on monies in the fund shall be credited to the fund.  
20 The allowable administrative costs of the department are limited to no more  
21 than fifteen per cent of monies deposited in the fund annually or one hundred  
22 eighty-four thousand dollars, whichever is less. As used in this subsection,  
23 administrative costs include only those costs necessary to perform the  
24 following:

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

31 H. The department shall adopt rules for the monitoring assistance  
32 program.

33 I. Any site visit made pursuant to this section by a monitoring  
34 assistance program contractor shall not be regarded as an inspection or  
35 investigation. No enforcement actions shall be taken as a result of these  
36 site visits except that nothing in this section affects the authority of the  
37 department to enforce ~~the provisions of~~ this article pursuant to section  
38 ~~3-354~~ 49-354.

**APPROVED BY THE GOVERNOR MARCH 31, 2006.**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 31, 2006.**

