

**PIMA COUNTY  
LEGISLATIVE PROPOSAL FORM  
REGIONAL WASTEWATER RECLAMATION DEPARTMENT**

Federal  
**X State**

**Date:**  
**September 21, 2010**

**Department/Office:**  
**Regional Wastewater Reclamation/Director**

**Name, Title and Telephone Number of Contact Person:**  
**Michael Gritzuk, P.E., Director, 740-6549**

**Subject of Proposal:**

**Groundwater Savings Facilities: Authorizing Eligibility for Use in Landscape or Turf Irrigation – Amending A.R.S. §§ 45-802.01. & 45-812.01**

**PROPOSAL DESCRIPTION:**

**A. Background:**

**The Arizona Department of Water Resources (ADWR) allows Groundwater Savings Facilities (GSF) to obtain long-term storage credits similar to constructed Underground Storage Facilities if the permittee replaces an existing use of groundwater with a renewable water supply instead of storing the water.**

**There are many GSF facilities permitted to use Central Arizona Project water or effluent water for agricultural irrigation in-lieu of groundwater that would have been pumped pursuant to a water right.**

**ADWR will not give in-lieu credit as a groundwater savings facility for conversion of turf irrigation to reclaimed water for circumstances where the user is already adjacent to Tucson Water's reclaimed system infrastructure. In fact, ADWR does not recognize turf or landscape irrigation as qualifying for GSF long-term storage credit.**

**Allowing GSF storage credits in these instances would provide some of the needed incentive to convert these groundwater users and secure them as new reclaimed customers. This approach would broaden the economic base supporting the reclaimed system. Measures that provide economic or water management incentives for getting over the hurdle of transition to reclaimed water help expand the customer base and facilitate efficient operation of reclaimed systems.**

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**B. Legislative Proposal:**

Amend A.R.S. §§ 45-802.01. & 45-812.01 to explicitly include landscape and turf irrigation activities eligible for the Groundwater Savings Facility permit.

**C. Statutes Affected:**

See, EXHIBIT – Groundwater Savings Facilities: Authorizing Eligibility for Use in Landscape or Turf Irrigation – Amending A.R.S. §§ 45-802.01. & 45-812.01

**D. Fiscal Impact:**

**TO BE DETERMINED**

**E. Proposal History:**

No legislative proposal history, however this proposal has been approved by the Pima County Board of Supervisors as part of the City/County Water Infrastructure Supply and Planning Study, Phase 2.

In addition, this proposal has been submitted to the State of Arizona Blue Ribbon Panel on Water Sustainability as a proposed ADWR policy change.

**F. Interested Parties:**

**Pima County; Tucson Water; Arizona Department of Water Resources; Reclaimed Water Providers in Urban Settings within Arizona**

**EXHIBIT – Groundwater Savings Facilities: Authorizing Eligibility for Use in Landscape or Turf Irrigation – Amending A.R.S. §§ 45-802.01. & 45-812.01**

**45-802.01. Definitions**

Unless the context otherwise requires, the terms defined in section 45-402 have the same meanings in this chapter and:

...

8. "Groundwater savings facility" means a facility that meets the requirements of section 45-812.01 in an active management area or an irrigation non-expansion area at which groundwater withdrawals are eliminated or reduced by recipients who use in lieu water on a gallon-for-gallon substitute basis for groundwater that otherwise would have been pumped from within that active management area or irrigation non-expansion area **AND INCLUDES A FACILITY OTHERWISE MEETING THE REQUIREMENTS OF SECTION 45-812.01 THAT USES IN LIEU WATER FOR PURPOSES OF LANDSCAPE OR TURF IRRIGATION REGARDLESS OF THE FACILITY'S PROXIMITY TO A RECLAIMED WATER TREATMENT OR DISTRIBUTION SYSTEM INFRASTRUCTURE.**

9. "In lieu water" means water that is delivered by a storer to a groundwater savings facility pursuant to permits issued under this chapter and that is used in an active management area or an irrigation non-expansion area by the recipient on a gallon-for-gallon substitute basis for groundwater that otherwise would have been pumped from within that active management area or irrigation non-expansion area. **IN LIEU WATER INCLUDES EFFLUENT DELIVERED BY A STORER TO A GROUNDWATER SAVINGS FACILITY FOR PURPOSES OF LANDSCAPE OR TURF IRRIGATION.**

**45-812.01. Groundwater savings facility permit**

A. A person may apply to the director for a groundwater savings facility permit and may operate a groundwater savings facility only pursuant to a permit.

B. The director may issue a permit to operate a groundwater savings facility if the director determines that all of the following apply:

1. Operation of the facility will cause the direct reduction or elimination of groundwater withdrawals in an active management area or an irrigation non-expansion area by means of delivery of water other than groundwater pumped from within that active management area or irrigation non-expansion area that the recipient will use in lieu of groundwater that the recipient would otherwise have used.

2. The applicant will deliver water other than groundwater pumped from within the active management area or irrigation non-expansion area in which the groundwater savings facility is located to an identified groundwater user who will use and agrees in writing to use the water delivered to the facility on a gallon-for-gallon substitute basis directly in lieu of groundwater that otherwise would have been pumped from within the active management area or irrigation non-expansion area.

3. The in lieu water is the only reasonably available source of water for the recipient other than groundwater pumped from within the same active management area or irrigation non-expansion area in which the groundwater savings facility is located.

**4. The water delivered as in lieu water would not have been a reasonable alternative source of water for the recipient except through the operation of the groundwater savings facility.**

**5. The water delivered to the recipient as in lieu water was not delivered before October 1, 1990.**

**6. The applicant has submitted a plan satisfactory to the director that describes how the applicant will prove the quantity of groundwater saved at the facility each year and what evidence will be submitted with the applicant's annual report as required by section 45-875.01 to prove the groundwater savings. The plan may rely on the following factors:**

**(a) The recipient's cost of pumping groundwater relative to the cost of in lieu water and alternative sources of water available to the recipient.**

**(b) The historic quantity of groundwater pumped by the recipient at the location of the intended use of the in lieu water.**

**(c) The recipient's anticipated demand for groundwater and anticipated total demand for water, including groundwater.**

**(d) The recipient's legal right to withdraw or use groundwater pursuant to chapter 2 of this title.**

**(e) The amount of central Arizona project water for which the recipient anticipates accepting delivery.**

**(f) The historic amount of power used to pump groundwater at the groundwater savings facility compared to the power used during a year in which the recipient received in lieu water.**

**(g) The factors that prevent the recipient from using the water delivered as in lieu water without the operation of the groundwater savings facility.**

**(h) Any other criteria the director may deem to be relevant.**

**C. THE DIRECTOR MAY ISSUE A PERMIT TO OPERATE A GROUNDWATER SAVINGS FACILITY IF THE DIRECTOR DETERMINES THAT IN ADDITION TO THE REQUIREMENTS OF SUBSECTION B THE APPLICANT USES IN LIEU WATER FOR PURPOSES OF LANDSCAPE OR TURF IRRIGATION.**