

ADWR Responses to February meeting questions

1. *Does a City or Town have to wait for the County to take up the question of adequacy requirement before the City or Town can act on passing the adequacy requirement?*

No. Any local jurisdiction may act on the adequacy requirement prior to the county taking up the question. However, if the local jurisdiction does not adopt the adequacy requirement, or fails to take up the question, and the county subsequently does adopt the adequacy requirement, the adequacy requirement would automatically apply to the local jurisdiction.

2. *Can a City or Town adopt the hauled water exemption if the County adopts the adequacy requirement, but not the hauled water exemption?*

Yes. Section 9-463.01(K) provides that if the Director notifies the city or town that the county has adopted the adequacy requirement, the city or town may adopt the exemption.

3. *If the County adopts the adequacy requirement and the hauled water exemption, is the City or Town required to adopt the hauled water exemption? Could the City or Town adopt the exemption with additional restrictions?*

If the Director notifies a municipality that the county has adopted the adequacy requirement, the municipality must implement the adequacy requirement. Whether or not the county provides for a water hauling exemption, it would not apply to the municipality. The municipality may choose to adopt a water hauling exemption, with or without different restrictions.

4. *Can a City or Town that has adopted the adequacy requirement require different physical availability requirements from the state-wide standard, or can they be different from the County if the County also adopts the requirement and specific physical availability requirement? If the City or Town has a physical requirement different from that of the County, can it be less stringent? Can it be more stringent?*

The statutory provisions require a determination by the Director, either that the subdivision will have an adequate water supply or that the provider that will serve the subdivision is designated as having an adequate water supply. Therefore, the Department will implement the physical availability requirement through its rules for Assured and Adequate Water Supply. Local jurisdictions are not authorized to adopt or implement individual physical availability requirements.

The physical availability standard will be spelled out in the Department's adequacy rules. As part of this stakeholder rule modification process the Department will be proposing three general physical availability standards based upon the three major types of aquifers found within Arizona. The details of the proposal will be presented at future stakeholder meetings beginning in April and will be discussed at meetings in April and May.

The general concept is to have different physical availability requirements for three types of aquifers. The three aquifer types would be: (1) the basin and range areas of the state represented by the large alluvial basins of southern and western Arizona (this would be the same as currently practiced: a maximum of 1,200 feet deep or bottom of the aquifer); (2) the Colorado Plateau, represented by the large deep sedimentary aquifers of northern and northeastern Arizona; and (3) the transition zone between the other two zones running roughly from the northwestern portion of the state, through the central areas of the state to the southeastern corner of Arizona (This area is represented by the fractured granitic and metamorphic rock areas of central Arizona.).

At this time, the Department is not proposing anything more specific than the three general provisions outlined above. Local jurisdictions may request prior to further modification of the rules for physical availability, if available data justifies the modification. Such modification would require another public process.

While the Department would consider modifying its rules in response to requests from the local jurisdiction for more stringent requirements in specific aquifer systems, it would not consider such modifications that would allow greater impacts than those allowed within a particular basin, subbasin or aquifer system. This could be seen as a local effort to thwart the larger regional effort to minimize impacts.