

# ARIZONA DEPARTMENT OF WATER RESOURCES

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## 2007 ADWR Compliance and Enforcement Report

In 2007, Arizona Department of Water Resources (ADWR) compliance and enforcement staff collected payment on 22 citations totaling \$135,934.79. These citations were issued from the Phoenix, Pinal, Prescott, Santa Cruz and Tucson Active Management Areas (AMA), for violations of the Groundwater Code and/or Third Management Plan. A description of the major violation types investigated and enforced by compliance staff follows:

### Withdrawal of Groundwater in Excess of Legal Authority

A.R.S. § 45-451(A), requires a regulated person in an AMA to withdraw and use groundwater in accordance with their legally determined withdrawal authority. ADWR issued ten citations, six advisory letters and is continuing investigations of four potential violators for exceeding their maximum allowable withdrawal authority in 2007. Approximately 48% (\$66,000 out of a \$136,000 total) of the civil penalties collected by ADWR were for A.R.S. § 45-451(A) violations.

### Exceedance of Permitted Well Volume

The Prescott AMA issued two citations totaling \$10,000 for violations of permitted annual well volumes established pursuant to A.R.S § 45-598 and A.A.C. R12-15-1302. A total of five wells were discovered to have exceeded their permitted annual volume by a combined total of 733.20 acre-feet. In 2007, civil penalties involving exceedance of a permitted well volume were issued on a per well basis, not on per acre-foot basis.

### Turf-Related Facility Flexibility Account Violations

A turf-related facility's (i.e. golf course, cemetery, park, etc.) maximum allowable negative account balance, defined in the Phoenix AMA TMP 6-309(b)(c), is calculated by multiplying the facility's annual water conservation allotment by a factor of -.2. If a debit is registered to a facility's flexibility account causes the account balance to exceed the maximum negative account balance, the facility is subject to a compliance action. In 2007, six turf-related facilities received citations for TMP violations. All were golf courses in the Phoenix AMA and all were first time violators. Approximately 19% (\$26,000 out of \$136,000 total) of the civil penalties collected by ADWR were for exceedances of a turf-related facility's flexibility account.

### Irrigation Grandfathered Right (IGFR) Flexibility Account Violations

Pursuant to A.R.S. § 45-467, an IGFR is allowed to accrue unlimited credits to their flexibility account balance, while the debit balance may not exceed 50% of the current annual groundwater allotment at any



time. In 2007, six IGFR holders received citations for A.R.S. § 45-467 violations. All were located in the Phoenix AMA. Approximately \$6,000 in civil penalties were collected for three violations while the remaining three violators purchased additional flex credits to bring them back into compliance with A.R.S. § 45-467.

### Zero Use Reporting

In 2007, the Phoenix AMA collected civil penalties in the amount of \$25,647.79 from two IGFR holders that had inaccurately filed Zero Water Use Cards. ADWR investigations showed that approximately 6,000 acre-feet of water went unreported from 2002 – 2006. In addition to receiving accurate water use information, ADWR collected the owed withdrawal, failure-to file, and late filing fees associated with the unreported 6,000 acre-feet of groundwater withdrawals.

### Non-AMA Divisions

The following non-AMA ADWR divisions conducted the following major compliance and enforcement-related activities in 2007:

- Notice of Intent division conducted two hundred forty-six (246) well inspections to determine compliance with well statutes.
- Dam Safety and Surface Water divisions investigated several entities that had constructed earthen retention dams without surface water rights or claims and licenses to operate jurisdictional dams in several Arizona counties, including Cochise and Pinal.
- Recharge and Hydrology divisions inspected seven Underground Storage Facilities for various permit and compliance measures in Maricopa, Pima and Pinal counties.

