

ARIZONA DEPARTMENT OF WATER RESOURCES SUBSTANTIVE POLICY STATEMENT

This substantive policy statement is advisory only. A substantive policy statement does not include procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona administrative procedures act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under Arizona Revised Statutes § 41-1033 for a review of the statement.

Compliance with Large Municipal Provider Conservation Requirements When There are Overlapping Service Areas of Large Untreated Water Providers and Large Municipal Providers

The purpose of this Substantive Policy Statement is to clarify how the Department of Water Resources views deliveries of water by Large Untreated Water Providers in determining compliance with the Management Plan Conservation requirements for Large Municipal Providers in the case when the service areas of these providers overlap.

The Department regulates municipal providers¹ serving greater than 250 acre-feet annually as Large Municipal Providers through the municipal conservation requirements for Large Municipal Providers included in the management plans. The Department also regulates untreated water deliveries² by Large Untreated Water Providers³ separately from the Large Municipal Provider municipal conservation requirements pursuant to the management plan provisions for Large Untreated Water Providers (for a complete list of Large Untreated Water Providers please refer to the current management plan for the Active Management Area).

Because the municipal conservation requirements for a Large Municipal Provider are intended to apply solely to the delivery of water by the Large Municipal Provider, the Department does not include a Large Untreated Water Provider's deliveries of untreated water directly to customers within its service area in the calculation of the Large Municipal Provider's compliance with its municipal conservation requirements pursuant to the provisions of the Total Gallons Per Capita Per Day Program, the Non Per-Capita Conservation Program or the Alternative Conservation Program. In other words, untreated water deliveries by a Large Untreated Water Provider directly to customers within its service area are not a component of the water deliveries of a Large Municipal Provider with an overlapping service area and thus are not subject to the Large Municipal Provider's municipal conservation requirements. However, any water deliveries by a

¹ Defined in A.R.S. §45-561(10) as "a city, town, private water company or irrigation district that supplies water for non-irrigation use."

² Untreated water is defined in A.R.S. §45-561(14) as "water that is not treated to improve its quality and that is supplied by a municipal provider through a distribution system other than a potable water distribution system."

³ Defined in A.R.S. §45-561(7) as "a municipal provider that as of January 1, 1990 was serving untreated water to at least five hundred persons or supplying at least one hundred acre-feet of untreated water during a calendar year."

Large Untreated Water Provider to a Large Municipal Provider which are subsequently delivered by the Large Municipal Provider to customers within in its service area, are considered to be deliveries by the Large Municipal Provider, and thus are regulated under the Large Municipal Provider's conservation requirements.

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