

## **ARTICLE 7. DIRECT REUSE OF RECLAIMED WATER**

### **R18-9-701. Definitions**

Unless provided otherwise, the definitions provided in A.R.S. § 49-201, A.A.C. R18-9-101, R18-9-601, R18-11-301, and the following terms apply to this Article:

1. "Direct reuse" means the beneficial use of reclaimed water for a purpose allowed by this Article. The following is not a direct reuse of reclaimed water:
  - a. The use of water subsequent to its discharge under the conditions of a National Pollutant Discharge Elimination System permit;
  - b. The use of water subsequent to discharge under the conditions of an Aquifer Protection Permit issued under 18 A.A.C. 9, Articles 1 through 3; or
  - c. The use of industrial wastewater or reclaimed water, or both, in a workplace subject to a federal program that protects workers from workplace exposures.
2. "Direct reuse site" means an area permitted for the application or impoundment of reclaimed water. An impoundment operated for disposal under an Aquifer Protection Permit is not a direct reuse site.
3. "End user" means a person who directly reuses reclaimed water meeting the standards for Classes A+, A, B+, B, and C, established under 18 A.A.C. 11, Article 3.
4. "Gray water" means wastewater collected separately from a sewage flow that originates from a clothes washer, bathtub, shower, and sink, but does not include wastewater from a kitchen sink, dishwasher, or toilet.
5. "Industrial wastewater" means wastewater generated from an industrial process.
6. "Irrigation" means the beneficial use of water or reclaimed water, or both, for growing crops, turf, or silviculture, or for landscaping.
7. "Open access" means that access to reclaimed water by the general public is uncontrolled.
8. "Reclaimed water" means water that has been treated or processed by a wastewater treatment plant or an on-site wastewater treatment facility. A.R.S. § 49-201(31).
9. "Reclaimed water agent" means a person who holds a permit to distribute reclaimed water to more than one end user.
10. "Reclaimed water blending facility" means an installation or method of operation that receives reclaimed water from a sewage treatment facility or other reclaimed water blending facility classified to produce Class C or better reclaimed water and blends it with other water so that the produced water may be used for a higher-class purpose listed in 18 A.A.C. 11, Article 3, Appendix A.
11. "Restricted access" means that access to reclaimed water by the general public is controlled.

### **Historical Note**

Former Section R9-20-401 repealed, new Section R9-20-401 adopted effective May 24, 1985 (Supp. 85-3). Former Section R9-20-401 renumbered without change as Section R18-9-701 (Supp. 87-3). Amended by final rulemaking at 7 A.A.R. 758, effective January 16, 2001 (Supp. 01-1).

### **R18-9-702. Applicability and Standards for Reclaimed Water Classes**

A. This Article applies to:

1. An owner or operator of a sewage treatment facility that generates reclaimed water for direct reuse,
2. An owner or operator of a reclaimed water blending facility,
3. A reclaimed water agent,

4. An end user,
  5. A person who uses gray water,
  6. A person who directly reuses reclaimed water from a sewage treatment facility combined with industrial wastewater or combined with reclaimed water from an industrial wastewater treatment facility, and
  7. A person who directly reuses reclaimed water from an industrial wastewater treatment facility in the production or processing of a crop or substance that may be used as human or animal food.
- B. Reclaimed water classes A+, A, B+, B, and C specified in this Article shall meet the standards established in 18 A.A.C. 11, Article 3.
- C. Nothing in this Article exempts the disposal of reclaimed water from the Aquifer Protection Permit requirements under A.R.S. Title 49, Chapter 2, Articles 1, 2, and 3.

#### **Historical Note**

Former Section R9-20-402 repealed, new Section R9-20-402 adopted effective May 24, 1985 (Supp. 85-3). Former Section R9-20-402 renumbered without change as Section R18-9-702 (Supp. 87-3). Section repealed; new Section adopted by final rulemaking at 7 A.A.R. 758, effective January 16, 2001 (Supp. 01-1).

#### **R18-9-703. Transition of Permits**

- A. A person may directly reuse reclaimed water under an individual Aquifer Protection Permit or a Permit for the Reuse of Reclaimed Wastewater issued by the Department before January 1, 2001 if the person meets the conditions of the permit and the permit does not expire.
- B. A person meeting the requirements of subsection (A) may apply for a new reclaimed water permit under this Article.
1. To obtain a reclaimed water permit, a person shall submit a Reclaimed Water Individual Permit application, required under R18-9-705(B), a Notice of Intent for Direct Reuse of Reclaimed Water, required under R18-9-708(B)(2), or a Notice of Intent to Operate, required under R18-9-708(C)(1) to the Department at least 120 days before the current permit expires.
  2. The Department shall continue the terms of the individual Aquifer Protection Permit or the Permit for the Reuse of Reclaimed Wastewater beyond the stated date of expiration if:
    - a. The permitted direct reuse is of a continuing nature; and
    - b. The permittee submits a timely and complete application for a new permit.
- C. Sewage treatment facility generating reclaimed water.
1. At the request of a permittee, the Department shall amend an individual Aquifer Protection Permit issued before January 1, 2001 if the permittee adequately demonstrates that the applicable quality of reclaimed water produced for direct reuse is achieved. The Department shall review:
    - a. The information in the individual Aquifer Protection Permit application and the water quality test results from the previous two years to determine the classification of reclaimed water generated by the sewage treatment facility; and
    - b. The available water quality data if the sewage treatment facility has operated for less than two years.
  2. The Department shall ensure that an amended individual Aquifer Protection Permit contains:
    - a. Identification of the class of reclaimed water generated by the facility;
    - b. Requirements for monitoring reclaimed water quality and flow at a frequency appropriate to demonstrate compliance with this Article and 18 A.A.C. 11, Article 3;

- c. Requirements for quarterly reporting of the following data to the Department, any reclaimed water agent who has contracted for delivery of reclaimed water from the facility, and any end user who has not waived interest in receiving this information:
  - i. Water quality test results demonstrating that reclaimed water produced by the facility meets the applicable standards for the class of water identified in subsection (C)(2)(a), and
  - ii. The total volume of reclaimed water generated for direct reuse.
- d. Provision for cessation of delivery, if necessary, and storage or disposal if reclaimed water cannot be delivered for direct reuse.

#### **Historical Note**

Former Section R9-20-403 repealed, new Section R9-20-403 adopted effective May 24, 1985 (Supp. 85-3). Former Section R9-20-403 renumbered without change as Section R18-9-703 (Supp. 87-3). Editorial change to labels in subsection (c)(8) (Supp. 89-4). Section repealed; new Section adopted by final rulemaking at 7 A.A.R. 758, effective January 16, 2001 (Supp. 01-1).

#### **R18-9-704. General Requirements**

- A. Sewage treatment facility. Except for permits continued under R18-9-703(A), a sewage treatment facility owner or operator shall provide reclaimed water for direct reuse only under an individual Aquifer Protection Permit amended under R18-9-703(C)(2).
- B. Additional treatment. If an owner or operator of a facility accepts reclaimed water and provides additional treatment for a higher quality direct reuse, the facility is considered a sewage treatment facility and shall operate under the requirements of an individual Aquifer Protection Permit amended under R18-9-703(C)(2).
- C. Reclaimed water blending facility. An owner or operator of a reclaimed water blending facility shall not conduct blending operations without obtaining a Reclaimed Water Individual Permit or Reclaimed Water General Permit.
- D. Reclaimed water agent. A person shall not operate as a reclaimed water agent without obtaining a Reclaimed Water Individual Permit or a Reclaimed Water General Permit.
- E. End user. A person shall not directly reuse reclaimed water unless permitted under this Article.
- F. Irrigating with reclaimed water. A permittee irrigating with reclaimed water shall:
  - 1. Use application methods that reasonably preclude human contact with reclaimed water;
  - 2. Prevent reclaimed water from standing on open access areas during normal periods of use;
  - 3. Prevent reclaimed water from coming into contact with drinking fountains, water coolers, or eating areas; and
  - 4. Secure hose bibbs discharging reclaimed water to prevent use by the public.
- G. Prohibited activities.
  - 1. Irrigating with untreated sewage;
  - 2. Providing or using reclaimed water for any of the following activities:
    - a. Direct reuse for human consumption;
    - b. Direct reuse for swimming, wind surfing, water skiing, or other full-immersion water activity with a potential of ingestion; or
    - c. Direct reuse for evaporative cooling or misting.
  - 3. Misapplying reclaimed water for any of the following reasons:
    - a. Application of a stated class of reclaimed water that is of lesser quality than allowed by this Article for the type of direct reuse application;
    - b. Application of reclaimed water to any area other than a direct reuse site; or
    - c. Allowing runoff of reclaimed water or reclaimed water mixed with stormwater from a direct reuse site, except for agricultural return flow that is directed onto an adjacent field or returned to an open water conveyance.

H. A permittee shall place and maintain signage at locations specified in Table 1 so the public is informed that reclaimed water is in use and that no one should drink from the system.

**Table 1. Signage Requirements for Direct Reuse Sites**

Reclaimed Water Class	Hose Bibbs	Residential Irrigation	Schoolground Irrigation	Other Open Access Irrigation	Restricted Access Irrigation	Mobile Reclaimed Water Dispersal
A+	Each bibb	Front yard, or all entrances to a subdivision if the signage is supplemented by written yearly notification to individual homeowners by the homeowner's association.	On premises visible to staff and students	None	None	Back of truck or on tank
A	Each bibb	Front yard, or all entrances to a subdivision if the signage is supplemented by written yearly notification to individual homeowners by the homeowner's association.	On premises visible to staff and students	None	None	Back of truck or on tank
B+	Each bibb	Direct Reuse Not Allowed	Direct Reuse Not Allowed	Direct Reuse Not Allowed	1. Ingress points 2. On premises or at reasonably spaced intervals not more than 1/4 mile, as applicable to the use 3. Notice on golf score cards, if applicable	Back of truck or on tank
B	Each bibb	Direct Reuse Not Allowed	Direct Reuse Not Allowed	Direct Reuse Not Allowed	1. Ingress points 2. On premises or at reasonably spaced intervals not more than 1/4 mile, as applicable to the use 3. Notice on golf score cards, if applicable	Back of truck or on tank
C	Each bibb	Direct Reuse Not Allowed	Direct Reuse Not Allowed	Direct Reuse Not Allowed	1. Ingress points 2. On premises or at reasonably spaced intervals not more than 1/4 mile, as applicable to the use	Back of truck or on tank

Note: All impoundments with open access including lakes, ponds, ornamental fountains, waterfalls, and other water features shall be posted with signs regardless of the class of reclaimed water.

**Historical Note**

Former Section R9-20-404 repealed, new Section R9-20-404 adopted effective May 24, 1985 (Supp. 85-3). Former Section R9-20-404 renumbered without change as Section R18-9-704 (Supp. 87-3). Section repealed; new Section adopted by final rulemaking at 7 A.A.R. 758, effective January 16, 2001 (Supp. 01-1).

**R18-9-705. Reclaimed Water Individual Permit Application**

A. Pre-application conference. Upon request of an applicant, the Department shall schedule and hold a pre-application conference with the applicant to discuss any requirements in this Article.

- B. To apply for a Reclaimed Water Individual Permit, a person shall provide the Department with:
1. The following information on a form provided by the Department:
    - a. The name and mailing address of the owner or operator of the facility or the reclaimed water agent;
    - b. The social security number of the applicant, if the applicant is an individual;
    - c. The legal description of the direct reuse site, including latitude and longitude coordinates;
    - d. Any other federal or state environmental permits issued to the applicant;
    - e. Source of reclaimed water to be directly reused;
    - f. Volume of reclaimed water to be directly reused on an annual basis;
    - g. Class of reclaimed water to be directly reused;
    - h. Description of the direct reuse activity; and
    - i. The applicant's signature certifying that the information submitted in the application is true and accurate to the best of the applicant's knowledge.
  2. A copy of the certificate of disclosure of violations required under A.R.S. § 49-109; and
  3. The applicable permit fee specified under 18 A.A.C. 14.
- C. Administrative completeness review. Upon receipt, the Department shall review the Reclaimed Water Individual Permit application to determine its administrative completeness under A.R.S. § 41-1074 and A.A.C. R18-1-503.
- D. Substantive review. Upon receipt of a complete Reclaimed Water Individual Permit application, the Department shall review the application to determine its substantive adequacy under A.R.S. § 41-1075 and A.A.C. R18-1-504.
- E. Draft permit. The Department shall provide the applicant a copy of a draft of the Reclaimed Water Individual Permit before the notice specified in subsection (F) is published.
- F. Public participation.
1. Notice of Preliminary Decision.
    - a. The Department shall publish a Notice of Preliminary Decision to issue or deny a Reclaimed Water Individual Permit within a period of time that allows the Department to meet the licensing time-frame requirements under 18 A.A.C. 5.
    - b. The Department shall publish the Notice of Preliminary Decision regarding the issuance or denial of a final permit determination in one or more newspapers of general circulation where the facility is located.
    - c. The Department shall accept written comments from the public before a Reclaimed Water Individual Permit is issued or denied.
    - d. The written public comment period begins on the publication date of the Notice of Preliminary Decision and extends for 30 calendar days.
  2. After publishing the notice specified in subsection (F)(1)(a), the Department shall hold a public hearing to address the Notice of Preliminary Decision if the Department determines that:
    - a. Public interest in a public hearing exists, or
    - b. Issues or information have been brought to the attention of the Department that are relevant to the permitting decision and have not been considered previously in the permitting process.
  3. If the Department determines that a public hearing is necessary and a public hearing has not already been noticed under subsection (F)(1)(a), the Department shall schedule a public hearing and republish the Notice of Preliminary Decision as a legal notice at least once, in one or more newspapers of general circulation where the facility is located.

4. The Department shall accept written public comment until the close of the hearing record as specified by the person presiding at the public hearing.
- G. Final permit issuance or denial.
1. The Department shall give the applicant written notification of its final decision to issue or deny the permit application within the overall licensing time-frame requirements in 18 A.A.C. 5.
  2. The Department may deny a Reclaimed Water Individual Permit if the Department determines upon completion of the application process that the applicant has:
    - a. Failed or refused to correct a deficiency in the permit application;
    - b. Failed to demonstrate that the facility and the operation will protect public health and water quality. This determination shall be based on:
      - i. The information submitted in the permit application,
      - ii. Any information submitted to the Department as written public comment or following a public hearing; or
      - iii. Any information relevant to the demonstration that is developed or acquired by the Department, or
    - c. Provided false or misleading information.
  3. If the Department denies a Reclaimed Water Individual Permit the Department shall provide the applicant with written notification that explains the following:
    - a. The reasons for the denial with references to the statutes or rules on which the denial is based.
    - b. The applicant's right to appeal the denial, including the number of days the applicant has to file a notice of appeal, and the name and telephone number of the Department contact person who can answer questions regarding the appeals process.
    - c. The applicant's right to request an informal settlement conference under A.R.S. §§ 41-1092.03(A) and 41-1092.06.

#### **Historical Note**

Former Section R9-20-405 repealed, new Section R9-20-405 adopted effective May 24, 1985 (Supp. 85-3). Former Section R9-20-405 renumbered without change as Section R18-9-705 (Supp. 87-3). Section repealed; new Section adopted by final rulemaking at 7 A.A.R. 758, effective January 16, 2001 (Supp. 01-1).

#### **R18-9-706. Reclaimed Water Individual Permit General Provisions**

- A. A Reclaimed Water Individual Permit obtained under R18-9-705:
1. Is valid for five years;
  2. May be amended, transferred, reissued, or revoked by the Director based on whether the permittee meets the terms of the individual permit and the requirements of this Article; and
  3. Continues, pending the issuance of a new permit, with the same terms following its expiration if the following are met:
    - a. The permittee submits an application for a new permit at least 120 days before the expiration of the existing permit; and
    - b. The permitted activity is of a continuing nature.
- B. A Reclaimed Water Individual Permit shall contain, if applicable:
1. The class of reclaimed water to be applied for direct reuse;
  2. Specific reuse applications or limitations on reuse;
  3. Requirements for monitoring reclaimed water quality and flow to demonstrate compliance with this Article and 18 A.A.C. 11, Article 3;
  4. Requirements for reporting the following data to demonstrate compliance with this Article and 18 A.A.C. 11, Article 3:

- a. Water quality test results demonstrating that the reclaimed water meets the applicable standards for the class of water identified in subsection (B)(1), and
  - b. The total volume of reclaimed water generated for direct reuse.
- 5. Requirements for maintaining records of all monitoring information and monitoring activities that include:
  - a. The date, description of sampling location, and time of sampling or measurement;
  - b. The name of the person who performed the sampling or measurement;
  - c. The date the analyses were performed;
  - d. The name of the person who performed the analyses;
  - e. The analytical techniques or methods used;
  - f. The results of the analyses; and
  - g. Documentation of sampling technique, sample preservation, and transportation, including chain-of-custody forms.
- 6. Requirements to retain all monitoring activity records and results, including all original strip chart recordings for continuous monitoring instrumentation, and calibration and maintenance records for five years from the date of sampling or analysis. The Director shall extend the five-year retention period:
  - a. During the course of an unresolved litigation regarding compliance with the permit conditions, or
  - b. For any other justifiable cause.
- 7. A requirement to allow all end users access to the records of physical, chemical, and biological quality of the reclaimed water.
- C. Permit transfer. A permittee may transfer a Reclaimed Water Individual Permit to another person if the following conditions are met:
  - 1. The permittee notifies the Director of the proposed transfer.
  - 2. The permittee submits a written agreement containing a specific date for the transfer of permit responsibility and coverage between the current permittee and the proposed new permittee, including an acknowledgment that the existing permittee is liable for violations up to the date of transfer and that the proposed new permittee will be liable for violations from that date forward.
  - 3. The notice specified in subsection (C)(1) contains any information for the proposed new permittee that is changed from the information submitted under R18-9-705(B).
  - 4. The Director, within 30 days of receiving a transfer notice from the permittee, does not notify both the current permittee and proposed new permittee of the intent to amend, revoke, or reissue the permit or require the proposed new permittee to file an application for a new permit rather than agreeing to transfer the current permit.

#### **Historical Note**

Former Section R9-20-406 repealed, new Section R9-20-406 adopted effective May 24, 1985 (Supp. 85-3). Former Section R9-20-406 renumbered without change as Section R18-9-706 (Supp. 87-3). Amended effective December 1, 1988 (Supp. 88-4). Section repealed; new Section adopted by final rulemaking at 7 A.A.R. 758, effective January 16, 2001 (Supp. 01-1).

**R18-9-707. Reclaimed Water Individual Permit Where Industrial Wastewater Influences the Characteristics of Reclaimed Water**

- A. The following activities are prohibited unless a Reclaimed Water Individual Permit is obtained under R18-9-705:
1. Direct reuse of reclaimed water from a sewage treatment facility that is combined with industrial wastewater or that is combined with reclaimed water from an industrial wastewater treatment facility.
  2. Direct reuse of reclaimed water from an industrial wastewater treatment facility for production or processing of a crop or substance that may be used as human or animal food.
- B. In addition to the requirements in R18-9-705(B), an application for a Reclaimed Water Individual Permit shall include:
1. Each source of the industrial wastewater with Standard Industrial Code, and the projected rates and volumes from each source;
  2. The chemical, biological, and physical characteristics of the industrial wastewater from each source; and
  3. If reclaimed water will be used in the processing of any crop or substance that may be used as human or animal food, the information regarding food safety and any potential adverse health effects of this direct reuse.

**Historical Note**

Former Section R9-20-407 repealed, new Section R9-30-407 adopted effective May 24, 1985 (Supp. 85-3). Former Section R9-20-407 renumbered without change as Section R18-9-707 (Supp. 87-3). Section repealed; new Section adopted by final rulemaking at 7 A.A.R. 758, effective January 16, 2001 (Supp. 01-1).

**R18-9-708. Reusing Reclaimed Water Under a General Permit**

- A. Type 1 Reclaimed Water General Permit. A person may directly reuse reclaimed water without notice to the Department if:
1. The direct reuse is specifically authorized by and meets the requirements of this Article, and
  2. Complies with the requirements of the Type 1 Reclaimed Water General Permit under R18-9-711.
- B. Type 2 Reclaimed Water General Permit.
1. A person may directly reuse reclaimed water under a Type 2 Reclaimed Water General Permit if:
    - a. The direct reuse is authorized by and meets the requirements of this Article;
    - b. The direct reuse meets all the conditions of the applicable Type 2 Reclaimed Water General Permit under R18-9-712 through R18-9-716;
    - c. The person files a Notice of Intent for Direct Reuse of Reclaimed Water under subsection (B)(2); and
    - d. The person submits the applicable fee established in 18 A.A.C. 14.
  2. Notice of Intent for Direct Reuse of Reclaimed Water.
    - a. A person shall submit, by certified mail, in person, or by another method approved by the Department, the Notice of Intent for Direct Reuse of Reclaimed Water on a form provided by the Department.
    - b. The Notice of Intent for Direct Reuse of Reclaimed Water shall include;
      - i. The name, address, and telephone number of the applicant;
      - ii. The social security number of the applicant, if the applicant is an individual;

- iii. The name, address, and telephone number of the contact person;
  - iv. The source, volume, and class of reclaimed water to be directly reused;
  - v. A legal description of the direct reuse site, including latitude and longitude coordinates;
  - vi. The description of the direct reuse activity, including a description of acreage and the type of vegetation to be irrigated, if applicable to the type of direct reuse activity; and
  - vii. The permittee's signature certifying that the permittee agrees to comply with all requirements of this Article, including specific terms of the applicable Reclaimed Water General Permit.
- C. Type 3 Reclaimed Water General Permit. A person may operate under a Type 3 Reclaimed Water General Permit after filing an applicable Notice of Intent to Operate with the Department and receiving a written Verification of General Permit Conformance for the operation.
1. Application submittal. The applicant shall submit, either by certified mail, in person at the Department, or by another method approved by the Department:
    - a. The Notice of Intent to Operate on a form provided by the Department containing the information specified in the applicable Type 3 Reclaimed Water General Permit under R18-9-717(B), R18-9-718(C), or R18-9-719(B), and
    - b. The applicable fee established in 18 A.A.C. 14.
  2. Verification issuance. If, after reviewing the Notice of Intent to Operate, the Department determines that the direct reuse conforms with the conditions of a Type 3 Reclaimed Water General Permit and all other applicable requirements of this Article, the Department shall issue the Verification of General Permit Conformance.
  3. Verification denial.
    - a. If the Department determines on the basis of its review or an inspection that the direct reuse does not conform to the conditions of the applicable Type 3 Reclaimed Water General Permit or other applicable requirements of this Article, the Department shall notify the applicant of its decision not to issue the Verification of General Permit Conformance.
    - b. If an application is denied, the applicant shall not operate under a Type 3 Reclaimed Water General Permit.
    - c. The applicant may appeal the decision not to issue a Verification of General Permit Conformance under A.R.S. §§ 41-1092 through 41-1092.12.
  4. Automatic issuance. If the Department does not issue the Verification of General Permit Conformance within the time-frame specified under 18 A.A.C. 1, Article 5, and does not notify the applicant that it will not issue the verification, the verification automatically becomes effective upon expiration of the overall time-frame.

#### **Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 758, effective January 16, 2001 (Supp. 01-1).

#### **R18-9-709. Reclaimed Water General Permit Renewal and Transfer**

- A. General permit renewal. A permittee shall renew a Reclaimed Water General Permit at least 90 days before the permit expires by following the procedure described in either R18-9-708(B) or (C) and include the applicable fee established in 18 A.A.C. 14.
1. A Type 1 Reclaimed Water General Permit is valid as long as the conditions of the general permit and the requirements of this Article are met. No renewal is required;

2. A Type 2 Reclaimed Water General Permit is valid for five years from the date the Department receives the Notice of Intent for Direct Reuse of Reclaimed Water;
  3. A Type 3 Reclaimed Water General Permit is valid for five years from the date the Verification of General Permit Conformance becomes effective.
- B. General permit transfer. A permittee shall provide notice to the Department by certified mail within 15 days following the transfer of a Type 2 or Type 3 Reclaimed Water General Permit. The Notice of Transfer shall:
1. Contain any information that has changed from the original Notice of Intent for Direct Reuse of Reclaimed Water or the Notice of Intent to Operate, including all information on the proposed new permittee, and
  2. Include the applicable fee established in 18 A.A.C. 14.

#### **Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 758, effective January 16, 2001 (Supp. 01-1).

#### **R18-9-710. Reclaimed Water General Permit Revocation**

- A. The Director may revoke a Reclaimed Water General Permit if the permittee fails to comply with any requirement in this Article, including a condition specified in the applicable Reclaimed Water General Permit. The Director shall make the determination based on the risk to public health and safety or a threat to waters of the state.
1. Before revoking a general permit, the Department shall provide notice to the permittee by certified mail of the Department's intent to revoke the Reclaimed Water General Permit. The notice of intent to revoke the general permit shall provide the permittee a reasonable opportunity to correct any noncompliance and specify a time-frame within which the permittee shall achieve compliance.
  2. If the permittee fails to correct the noncompliance within the specified time-frame, the Department shall notify the permittee, by certified mail, of the Director's decision to revoke the Reclaimed Water General Permit.
- B. The Director shall revoke a Reclaimed Water General Permit for any or all facilities located within a specific geographic area, if, due to a geologic or hydrologic condition, the cumulative effect of the facilities subject to the Reclaimed Water General Permit has violated or will violate a Water Quality Standard established under A.R.S. §§ 49-221 and 49-223.

#### **Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 758, effective January 16, 2001 (Supp. 01-1).

#### **R18-9-711. Type 1 Reclaimed Water General Permit for Gray Water**

- A. A Type 1 Reclaimed Water General Permit allows private residential direct reuse of gray water for a flow of less than 400 gallons per day if all the following conditions are met:
1. Human contact with gray water and soil irrigated by gray water is avoided;
  2. Gray water originating from the residence is used and contained within the property boundary for household gardening, composting, lawn watering, or landscape irrigation;
  3. Surface application of gray water is not used for irrigation of food plants, except for citrus and nut trees;
  4. The gray water does not contain hazardous chemicals derived from activities such as cleaning car parts, washing greasy or oily rags, or disposing of waste solutions from home photo labs or similar hobbyist or home occupational activities;
  5. The application of gray water is managed to minimize standing water on the surface;
  6. The gray water system is constructed so that if blockage, plugging, or backup of the system occurs, gray water can be directed into the sewage collection system or on-site

wastewater treatment and disposal system, as applicable. The gray water system may include a means of filtration to reduce plugging and extend system lifetime;

7. Any gray water storage tank is covered to restrict access and to eliminate habitat for mosquitoes or other vectors;
  8. The gray water system is sited outside of a floodway;
  9. The gray water system is operated to maintain a minimum vertical separation distance of at least five feet from the point of gray water application to the top of the seasonally high groundwater table;
  10. For residences using an on-site wastewater treatment facility for black water treatment and disposal, the use of a gray water system does not change the design, capacity, or reserve area requirements for the on-site wastewater treatment facility at the residence, and ensures that the facility can handle the combined black water and gray water flow if the gray water system fails or is not fully used;
  11. Any pressure piping used in a gray water system that may be susceptible to cross connection with a potable water system clearly indicates that the piping does not carry potable water;
  12. Gray water applied by surface irrigation does not contain water used to wash diapers or similarly soiled or infectious garments unless the gray water is disinfected before irrigation; and
  13. Surface irrigation by gray water is only by flood or drip irrigation.
- B. Prohibitions. The following are prohibited:
1. Gray water use for purposes other than irrigation, and
  2. Spray irrigation.
- C. Towns, cities, or counties may further limit the use of gray water described in this Section by rule or ordinance.

#### **Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 758, effective January 16, 2001 (Supp. 01-1).

#### **R18-9-712. Type 2 Reclaimed Water General Permit for Direct Reuse of Class A+ Reclaimed Water**

- A. A Type 2 Reclaimed Water General Permit for Direct Reuse of Class A+ Reclaimed Water allows any direct reuse application of reclaimed water listed in 18 A.A.C. 11, Article 3, Appendix A, if the conditions in this Article are met.
- B. Record maintenance. A permittee shall maintain records for five years that describe the direct reuse site and the total amount of reclaimed water used annually for the permitted direct reuse activity. The records shall be made available to the Department upon request.
- C. A permittee shall post signs as specified in R18-9-704(H).
- D. No lining is required for an impoundment storing Class A+ reclaimed water.

#### **Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 758, effective January 16, 2001 (Supp. 01-1).

#### **R18-9-713. Type 2 Reclaimed Water General Permit for Direct Reuse of Class A Reclaimed Water**

- A. A Type 2 Reclaimed Water General Permit for the Direct Reuse of Class A Reclaimed Water allows any direct reuse application of reclaimed water listed in 18 A.A.C. 11, Article 3, Appendix A, if the conditions in this Article are met.
- B. Records and reporting. A permittee shall:

1. Maintain records containing the following information for five years, and make them available to the Department upon request:
    - a. The direct reuse site,
    - b. The volume of reclaimed water applied monthly for each category of direct reuse activity listed in 18 A.A.C. 11, Article 3, Appendix A,
    - c. The total nitrogen concentration of the reclaimed water applied, and
    - d. The acreage and type of vegetation to which the reclaimed water is applied.
  2. Report annually to the Department on or before the anniversary date of the Notice of Intent:
    - a. The volume of reclaimed water received,
    - b. The type of reclaimed water application, and
    - c. If used for irrigation, the vegetation and acreage irrigated.
- C. Nitrogen management. A permittee shall ensure that:
1. Impoundments storing reclaimed water allowed by the general permit are lined using a low-hydraulic conductivity artificial or site-specific liner material achieving a calculated discharge rate less than 550 gallons per acre per day; and
  2. The application rates of the reclaimed water are based on one of the following:
    - a. The water allotment assigned by the Arizona Department of Water Resources;
    - b. A water balance that considers consumptive use of water by the crop, turf, or landscape vegetation; or
    - c. An alternative method approved by the Department.
- D. In addition to the Notice of Intent for Direct Reuse of Reclaimed Water specified in R18-9-708(B)(2), the applicant shall provide a list of impoundments and the liner characteristics and the method chosen from the list in subsection (C)(2).
- E. The permittee shall post signs as specified in R18-9-704(H).

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 758, effective January 16, 2001 (Supp. 01-1).

**R18-9-714. Type 2 Reclaimed Water General Permit for Direct Reuse of Class B+ Reclaimed Water**

- A. A Type 2 Reclaimed Water General Permit for Direct Reuse of Class B+ Reclaimed Water allows any direct reuse application of Class B and Class C reclaimed water listed in 18 A.A.C. 11, Article 3, Appendix A, if the conditions in this Article are met.
- B. A permittee shall comply with the record maintenance and posting requirements established under R18-9-712 and make records available to the Department upon request.
- C. No lining is required for an impoundment storing Class B+ reclaimed water.

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 758, effective January 16, 2001 (Supp. 01-1).

**R18-9-715. Type 2 Reclaimed Water General Permit for Direct Reuse of Class B Reclaimed Water**

- A. A Type 2 Reclaimed Water General Permit for the Direct Reuse of Class B Reclaimed Water allows the direct reuse application of Class B and Class C reclaimed water listed in 18 A.A.C. 11, Article 3, Appendix A, if conditions in this Article are met.
- B. A permittee shall comply with the requirements established under R18-9-713(B), (C), (D), and (E).

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 758, effective January 16, 2001 (Supp. 01-1).

**R18-9-716. Type 2 Reclaimed Water General Permit for Direct Reuse of Class C Reclaimed Water**

- A. A Type 2 Reclaimed Water General Permit for the Direct Reuse of Class C Reclaimed Water allows the direct reuse application of Class C reclaimed water listed in 18 A.A.C. 11, Article 3, Appendix A, if conditions in this Article are met.
- B. A permittee shall comply with the requirements established under R18-9-713(B), (C), (D), and (E).

**Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 758, effective January 16, 2001 (Supp. 01-1).

**R18-9-717. Type 3 Reclaimed Water General Permit for a Reclaimed Water Blending Facility**

- A. Permit conditions.
  - 1. A Type 3 Reclaimed Water General Permit for a Reclaimed Water Blending Facility allows the blending of reclaimed water with other water, if the conditions in this Article are met.
  - 2. Blending reclaimed water with industrial wastewater or with reclaimed water from an industrial wastewater treatment plant is not authorized by this general permit.
- B. A person shall file with the Department a Notice of Intent to Operate a reclaimed water blending facility at least 90 days before the date the proposed activity will start. The Notice of Intent to Operate shall include:
  - 1. The name, address, and telephone number of the applicant;
  - 2. The social security number of the applicant, if the applicant is an individual;
  - 3. The name, address, and telephone number of a contact person;
  - 4. The source and volume of reclaimed water to be blended;
  - 5. The class of reclaimed water to be blended;
  - 6. The source, volume, and quality of other water to be blended;
  - 7. A legal description of the reclaimed water blending facility, including latitude and longitude coordinates;
  - 8. A description of the reclaimed water blending facility, including a demonstration that the proposed blending methodology will meet the standards established in 18 A.A.C. 11, Article 3 for the class of reclaimed water the facility will produce;
  - 9. A signature on the notice of intent certifying that the applicant agrees to comply with the requirements of this Article, 18 A.A.C. 11, Article 3, and the terms of this reclaimed water general permit; and
  - 10. The applicable permit fee specified under 18 A.A.C. 14.
- C. A person shall not operate a reclaimed water blending facility until the Department issues a written Verification of General Permit Conformance under R18-9-708(C).
- D. A permittee shall monitor:
  - 1. The blended water quality for total nitrogen and fecal coliform at frequencies specified by the class of reclaimed water in 18 A.A.C. 11, Article 3.
    - a. If the concentration of either total nitrogen or fecal coliform, as applicable, exceeds the limits for the reclaimed water class established in 18 A.A.C. 11, Article 3, the permittee shall submit a report to the Department within 30 days with a proposal to

change the blending process. The permittee shall also double the monitoring frequency for the next two months.

- b. If another exceedance occurs within the interval of increased monitoring, the permittee shall submit an application within 45 days for a Reclaimed Water Individual Permit.
  2. The volume of reclaimed water, the volume of the other water, and the total volume of blended water delivered for direct reuse on a monthly basis.
- E. The permittee shall report the results of the monitoring under subsection (D) to the Department on or before the anniversary date of the verification approval and shall make this information available to the end users.

#### **Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 758, effective January 16, 2001 (Supp. 01-1).

#### **R18-9-718. Type 3 Reclaimed Water General Permit for a Reclaimed Water Agent**

- A. A Type 3 Reclaimed Water General Permit allows a person to operate as a Reclaimed Water Agent if that the conditions of this Article are met, and the following conditions are met for the class of reclaimed water delivered by the Reclaimed Water Agent:
1. Signage requirements specified under R18-9-704(H), as applicable;
  2. Impoundment liner requirements specified under R18-9-712(D), R18-9-713(C), R18-9-714(C), R18-9-715(B), or R18-9-716(B), as applicable; and
  3. Nitrogen management requirements specified under R18-9-713(C), R18-9-715(B), and R18-9-716(B), as applicable.
- B. A person holding a Type 3 Reclaimed Water Permit for a Reclaimed Water Agent:
1. Is responsible for the direct reuse of reclaimed water by more than one end user instead of direct reuse by the end users under separate Type 2 Reclaimed Water General Permits, and
  2. Shall maintain a contractual agreement with each end user stipulating any end user responsibilities for the requirements specified under subsection (A).
- C. A person shall file with the Department a Notice of Intent to Operate as a reclaimed water agent at least 90 days before the date the proposed activity will start. The Notice of Intent to Operate shall include:
1. The name, address, and telephone number of the applicant;
  2. The social security number of the applicant, if the applicant is an individual;
  3. The name, address, and telephone number of a contact person;
  4. The following information for each end user to be supplied reclaimed water by the applicant:
    - a. The name, address and telephone number of the end user;
    - b. A legal description of each direct reuse site, including latitude and longitude coordinates; and
    - c. A description of each direct reuse activity, including the type of vegetation, acreage, and annual volume of reclaimed water to be used, unless Class A+ or Class B+ reclaimed water is delivered.
  5. The source, class, and annual volume of reclaimed water to be delivered by the applicant;
  6. A description of the contractual arrangement between the applicant and each end user, including any end user responsibilities for the requirements specified under subsection (A); and
  7. The applicable permit fee specified under 18 A.A.C. 14.

- D. A proposed reclaimed water agent shall not distribute reclaimed water to end users until the Department issues a written Verification of General Permit Conformance issued under R18-9-708(C).
- E. A reclaimed water agent shall record and annually report the following information to the Department, on or before each anniversary date of the verification approval:
  - 1. The total volume of reclaimed water delivered by the reclaimed water agent;
  - 2. The volume of reclaimed water delivered to each end user for Class A, Class B, and Class C reclaimed water; and
  - 3. Any change in the information submitted under subsection (C).
- F. The reclaimed water agent shall notify the Department before the end of each calendar year of any changes in the information submitted under subsection (C).

#### **Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 758, effective January 16, 2001 (Supp. 01-1).

#### **R18-9-719. Type 3 Reclaimed Water General Permit for Gray Water**

- A. A Type 3 Reclaimed Water General Permit allows a gray water irrigation system if:
  - 1. The general permit described in R18-9-711 does not apply,
  - 2. The flow is not more than 3000 gallons per day, and
  - 3. The gray water system satisfies the notification, design, and installation requirements specified in subsection (C).
- B. A person shall file a Notice of Intent to Operate a Gray Water Irrigation System with the Department at least 90 days before the date the proposed activity will start. The Notice of Intent to Operate shall include:
  - 1. The name, address and telephone number of the applicant;
  - 2. The social security number of the applicant, if the applicant is an individual;
  - 3. A legal description of the direct reuse site, including latitude and longitude coordinates;
  - 4. The design plans for the gray water irrigation system;
  - 5. A signature on the Notice of Intent to Operate certifying that the applicant agrees to comply with the requirements of this Article and the terms of this Reclaimed Water General Permit; and
  - 6. The applicable permit fee specified under 18 A.A.C. 14.
- C. The following technical requirements apply to the design and installation of a gray water irrigation system allowed under this Reclaimed Water General Permit:
  - 1. Design of the gray water irrigation system shall meet the on-site wastewater treatment facility requirements under R18-9-A312(C), (D)(1), (D)(2), (E)(1), (G), and R18-9-E302(C)(1), except the septic tank specified in R18-9-E302(C)(1) is not required if pretreatment of gray water is not necessary for the intended application;
  - 2. Design of the dispersal trenches for the gray water irrigation system shall meet the on-site wastewater treatment facility requirements for shallow trenches specified in R18-9-E302(C)(2);
  - 3. The depth of the gray water dispersal trenches shall be appropriate for the intended irrigation use but not more than 5 feet below the finished grade of the native soil; and
  - 4. The void space volume of the aggregate fill in the gray water dispersal trench below the bottom of the distribution pipe shall have enough capacity to contain two days of gray water at the design flow.
- D. The Department may review design plans and details and accept a gray water irrigation system that differs from the requirements specified in subsection (C) if the system provides equivalent performance and protection of human health and water quality.

#### **Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 758, effective January 16, 2001 (Supp. 01-1).

#### **R18-9-720. Enforcement and Penalties**

Any person who violates a condition specified in a permit issued under this Article, falsifies data or information submitted to the Department as required under Articles 6 or 7 of this Chapter, or violates a provision of Article 6 or 7 of this Chapter, is subject to the enforcement actions prescribed under A.R.S. §§ 49-261 and 49-262.

#### **Historical Note**

New Section adopted by final rulemaking at 7 A.A.R. 758, effective January 16, 2001 (Supp. 01-1).

### **ARTICLE 8. REPEALED**

#### **R18-9-801. Repealed**

#### **Historical Note**

Corrected A.R.S. reference (Supp. 77-3). Former Section R9-8-311 renumbered without change as Section R18-9-801 (Supp. 87-3). Amended effective December 1, 1988 (Supp. 88-4). Section repealed by final rulemaking at 7 A.A.R. 235, effective December 8, 2000 (Supp. 00-4).

#### **R18-9-802. Repealed**

#### **Historical Note**

Amended by adding subsections (N) through (R) effective June 8, 1981 (Supp. 81-3). Former Section R9-8-312 renumbered without change as Section R18-9-802 (Supp. 87-3). Section repealed by final rulemaking at 7 A.A.R. 235, effective December 8, 2000 (Supp. 00-4).

#### **R18-9-803. Repealed**

#### **Historical Note**

Amended effective April 18, 1979 (Supp. 79-2). Amended by adding subsection (E) effective October 2, 1986 (Supp. 86-5). Former Section R9-8-313 renumbered without change as Section R18-9-803 (Supp. 87-3). Section repealed by final rulemaking at 7 A.A.R. 235, effective December 8, 2000 (Supp. 00-4).

#### **R18-9-804. Repealed**

#### **Historical Note**

Amended effective April 18, 1979 (Supp. 79-2). Amended effective February 20, 1980 (Supp. 80-1). Amended by adding subsections (I) and (J) effective June 8, 1981 (Supp. 81-3). Amended subsections (A), (F) and (H) effective October 2, 1986 (Supp. 86-5). Former Section R9-8-314 renumbered without change as Section R18-9-804 (Supp. 87-3). Amended effective July 25, 1990 (Supp. 90-3). Section repealed by final rulemaking at 7 A.A.R. 235, effective December 8, 2000 (Supp. 00-4).

#### **R18-9-805. Repealed**

**Historical Note**

Adopted effective April 18, 1979 (Supp. 79-2). Amended effective October 2, 1986 (Supp. 86-5). Former Section R9-8-315 renumbered without change as Section R18-9-805 (Supp. 87-3). Amended effective July 25, 1990 (Supp. 90-3). Section repealed by final rulemaking at 7 A.A.R. 235, effective December 8, 2000 (Supp. 00-4).

**R18-9-806. Repealed**

**Historical Note**

Adopted effective October 2, 1986 (Supp. 86-5). Former Section R9-8-317 renumbered without change as Section R18-9-806 (Supp. 87-3). Section repealed by final rulemaking at 7 A.A.R. 235, effective December 8, 2000 (Supp. 00-4).

**R18-9-807. Repealed**

**Historical Note**

Former Section R9-8-321 renumbered without change as Section R18-9-807 (Supp. 87-3). Section repealed by final rulemaking at 7 A.A.R. 235, effective December 8, 2000 (Supp. 00-4).

**R18-9-808. Repealed**

**Historical Note**

Former Section R9-8-323 renumbered without change as Section R18-9-808 (Supp. 87-3). Amended effective July 25, 1990 (Supp. 90-3). Section repealed by final rulemaking at 7 A.A.R. 235, effective December 8, 2000 (Supp. 00-4).

**R18-9-809. Repealed**

**Historical Note**

Former Section R9-8-324 renumbered without change as Section R18-9-809 (Supp. 87-3). Section repealed by final rulemaking at 7 A.A.R. 235, effective December 8, 2000 (Supp. 00-4).

**R18-9-810. Repealed**

**Historical Note**

Former Section R9-8-325 renumbered without change as Section R18-9-810 (Supp. 87-3). Section repealed by final rulemaking at 7 A.A.R. 235, effective December 8, 2000 (Supp. 00-4).

**R18-9-811. Repealed**

**Historical Note**

Former Section R9-8-326 repealed, new Section R9-8-326 adopted effective October 2, 1986 (Supp. 86-5). Former Section R9-8-326 renumbered without change as Section R18-9-811 (Supp. 87-3). First entry in Historical Note corrected to reflect Section numbers at time of rule repeal and adoption by changing R18-9-326 to R9-8-326 (Supp. 96-4). Section repealed by final rulemaking at 7 A.A.R. 235, effective December 8, 2000 (Supp. 00-4).

**R18-9-812. Repealed**

**Historical Note**

Former Section R9-8-327 renumbered without change as Section R18-9-812 (Supp. 87-3).  
Section repealed by final rulemaking at 7 A.A.R. 235, effective December 8, 2000 (Supp. 00-4).

**R18-9-813. Repealed**

**Historical Note**

Amended effective April 18, 1979 (Supp. 79-2). Former Section R9-8-329 renumbered without change as Section R18-9-813 (Supp. 87-3). Section repealed by final rulemaking at 7 A.A.R. 235, effective December 8, 2000 (Supp. 00-4).

**R18-9-814. Repealed**

**Historical Note**

Former Section R9-8-331 renumbered without change as Section R18-9-814 (Supp. 87-3).  
Amended effective October 19, 1989 (Supp. 89-4). Section repealed by final rulemaking at 7 A.A.R. 235, effective December 8, 2000 (Supp. 00-4).

**R18-9-815. Repealed**

**Historical Note**

Former Section R9-8-332 renumbered without change as Section R18-9-815 (Supp. 87-3).  
Section repealed by final rulemaking at 7 A.A.R. 235, effective December 8, 2000 (Supp. 00-4).

**R18-9-816. Repealed**

**Historical Note**

Former Section R9-8-351 renumbered without change as Section R18-9-816 (Supp. 87-3).  
Section repealed by final rulemaking at 7 A.A.R. 235, effective December 8, 2000 (Supp. 00-4).

**R18-9-817. Repealed**

**Historical Note**

Former Section R9-8-352 renumbered without change as Section R18-9-817 (Supp. 87-3).  
Section repealed by final rulemaking at 7 A.A.R. 235, effective December 8, 2000 (Supp. 00-4).

**R18-9-818. Repealed**

**Historical Note**

Former Section R9-8-353 renumbered without change as Section R18-9-818 (Supp. 87-3).  
Section repealed by final rulemaking at 7 A.A.R. 235, effective December 8, 2000 (Supp. 00-4).

**R18-9-819. Repealed**

**Historical Note**

Former Section R9-8-361 renumbered without change as Section R18-9-819 (Supp. 87-3).  
Amended effective December 1, 1988 (Supp. 88-4). Section repealed by final rulemaking at 7 A.A.R. 235, effective December 8, 2000 (Supp. 00-4).