



ARIZONA STATE SENATE
Fifty-First Legislature, Second Regular Session

AMENDED
FACT SHEET FOR S.B. 1150

sewer connection; county islands; prohibition

Purpose

Prohibits a municipality from requiring property owners to connect to the city or town's sewer system if the property is located in a county island.

Background

Section 208 of the Clean Water Act requires states to develop and implement area-wide water quality management plans for pollution control. Arizona currently has eight Designated Planning Agencies for specific regions of the state who are required to coordinate the planning for its member entities and submit its regional plan to the Arizona Department of Environmental Quality (ADEQ) for approval. If the ADEQ Director certifies that the plan is consistent with the state's water quality management plan, it is submitted to the U.S. Environmental Protection Agency for authorization and implementation.

ADEQ regulates all sewage treatment facilities including large regional wastewater treatment plants and household on-site systems consisting of a septic tank or alternative system. The approval of the installation of such facilities is conducted under the Aquifer Protection Permit (APP) program with permitting functions performed by ADEQ or by a local county government agency authorized by ADEQ to perform those duties.

According to ADEQ rules, a person who constructs a new on-site wastewater treatment facility or replaces the treatment or disposal works of an existing facility is required to connect to a sewage collection system under certain circumstances (A.A.C. R18-9-A309). Additionally, some municipalities have adopted ordinances that further regulate on-site wastewater treatment facilities.

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Prohibits a city or town from requiring the owner of a property located in its municipal planning area to connect to the city or town's sewer system if the property is located in a county island.
2. Allows ADEQ to require sewer connection upon determination that connection is necessary to abate an environmental nuisance or to eliminate a threat to water quality standards.

3. Preempts all local laws, ordinances and chapter provisions to the contrary.
4. Declares that property rights of property owners in this state are of statewide concern.
5. Becomes effective on the general effective date.

Amendments Adopted by Committee

- Authorizes ADEQ to require sewer connection under certain circumstances.

Senate Action

GE 2/3/14 DPA 7-0-0

Prepared by Senate Research

February 4, 2014

SLL/lis