

AGENCY CERTIFICATE

NOTICE OF PROPOSED EXPEDITED RULEMAKING

1. Agency name:

Department of Environmental Quality

2. Chapter # and heading:

Chapter 4. Department of Environmental Quality - Safe Drinking Water

3. Code Citation for the Chapter:

18 A.A.C. 4

4. Article, Part, or Section Affected (as applicable)

Rulemaking Action

R18-4-102

Amend

R18-4-107

Amend

R18-4-111

Amend

R18-4-117

Amend

5. The rules contained in this rulemaking package are true and correct as proposed.

6.



1/26/26

Signature of agency chief executive officer in ink*

Date signed

Karen Peters

Director

Typed name of signer*

Title of signer

* Signature of signer and typed name must match

NOTICE OF PROPOSED EXPEDITED RULEMAKING

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 4. DEPARTMENT OF ENVIRONMENTAL QUALITY – SAFE DRINKING WATER

PREAMBLE

1. Permission to proceed with this proposed expedited rulemaking was granted under A.R.S. § 41-1039 by the governor on:

October 10, 2024

2. Article, Part, or Section Affected (as applicable) Rulemaking Action

R18-4-102	Amend
R18-4-107	Amend
R18-4-111	Amend
R18-4-117	Amend

3. Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):

Authorizing statutes: A.R.S. §§ 49-104, 49-202(A), 49-351, 49-353, and 49-353.01

Implementing statute: A.R.S. §§ 49-353, and 49-353.01

4. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the current record of the proposed expedited rule:

Not Applicable.

5. The agency’s contact person who can answer questions about the rulemaking:

Name: Heidi M. Haggerty Welborn, Esq.
Title: Drinking Water Legal Specialist
Division: Water Quality Division
Address: 1110 W. Washington St., Phoenix, AZ 85007
Telephone: (602) 771-4373
Email: welborn.heidi@azdeq.gov
Website: <https://azdeq.gov/rulemaking/DW-Regulations>

6. An agency’s justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

ADEQ seeks to modify regulations in Title 18, Chapter 4, Article 1 to incorporate by reference several new and modified Safe Drinking Water Act (SDWA) regulations in 40 C.F.R. Part 141 and to implement changes to ensure ADEQ complies with SDWA primacy requirements in 40 C.F.R. Part 142.

An expedited rulemaking is appropriate pursuant to A.R.S. § 41-1027(A)(4) because this rulemaking only incorporates by reference without material change federal regulations pursuant to A.R.S. § 41-1028 and does not increase regulatory burden beyond what is

required by the SDWA.

First, the rulemaking will amend R18-4-102(A), which governs the incorporation by reference applicability date of all other rules in Article 1. Currently, Chapter 4, Articles 1 and 2 incorporate by reference the 2014 version of the federal regulations. The rule will be updated to incorporate the July 1, 2025 published version of the federal regulations. Official updated published versions of Code of Federal Regulations Title 40 are published as of July 1, 2025 at <http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>.

These rule modifications will ensure that Arizona maintains appropriate authority to implement and enforce the SDWA as the primacy agency. This rulemaking helps to eliminate regulatory lag. Regulatory lag in this context means a gap or mismatch between state requirements and what is an already applicable and enforceable federal law change. This creates confusion in communication, data processes, and general state implementation of the federal rule. This risks ADEQ's ability to act to address public health concerns, and also risks the state losing primacy or federal funding granted under the SDWA, and burdening and confusing the regulated community by referencing outdated rules. Note that all of the rules listed below are already effective federal law, and public water systems are required to comply with these federal rules according to their respective compliance date schedules. Therefore, this rulemaking does not impose any increased burden beyond which the regulated community is already subject.

Incorporating the July 2025 version of the federal rules will include the following major updates:

- Consumer Confidence Report (CCR) Final Rule Revisions

The CCR rule revisions modify the timing and frequency of reporting for existing community water systems if a community water system serves 10,000 people or more. It also modifies required content in CCRs and means for delivery.

See *CCR final rule*, 89 Fed. Reg. 45980 (May 24, 2024). See also ADEQ's website at <https://azdeq.gov/ccrrule>.

- Alternative Test Methods - Updates and Corrections

Via various rulemakings over the years, EPA has promulgated new alternative analytical methods for determining contaminant concentrations in drinking water samples collected under the SDWA.

Several rulemakings for alternative methods follow: 81 Fed. Reg. 46840 (Jul. 19, 2016); 82 Fed. Reg. 34861 (July 27, 2017); 83 Fed. Reg. 51636 (Oct. 12, 2018); 83 Fed. Reg. 54676 (Oct. 31, 2018); 86 Fed. Reg. 28277 (May 26, 2021); 86 Fed. Reg. 29526 (June 2, 2021); 87 Fed. Reg. 50579 (Aug. 17, 2022); 89 Fed. Reg. 5773 (Jan. 30, 2024); 89 Fed. Reg. 7624 (Feb. 5, 2024).

- Lead and Copper – Rule Improvements (LCRI) (2024)

EPA has finalized various modifications to lead and copper rules, including requiring replacement of lead service lines, reducing the lead action level, strengthening tap sampling procedures, corrosion control treatment, public education, small system requirements, and sampling in schools and child care facilities.

Please note, the LCRI rules became legally effective law on December 30, 2024. However, various rules within LCRI have different compliance dates and implementation dates. The applicable LCRI rules to comply with until November 1, 2027, are found in 40 C.F.R. 141.80(a)(4)(i) (Oct. 2024), and after that date, different rules are applicable. The regulation, 40 C.F.R. 141.80, lists the compliance and implementation date schedules for various rules established in the LCRI rulemaking. See *LCRI final rule*, 89 FR 86626 (Oct. 30, 2024) ("Compliance dates"); and see *ADEQ's Delegated Agency "Matrix" for Drinking Water Lead and Copper Licensing Reviews* p. 2-3 (September 2025), available at <https://static.azdeq.gov/dw/lcrr/ccematrix.pdf>. See also ADEQ's website at <https://azdeq.gov/LeadCopperRule>.

Please note that while EPA also issued a major rulemaking to regulate per- and polyfluoroalkyl substances (PFAS), **ADEQ is not adopting the PFAS rules at this time.** The PFAS rulemaking establishes primary drinking water standards for PFAS, including monitoring requirements, best available control technology, and violation thresholds. See the PFAS Final Rule, 89 Fed. Reg. 32532 (Apr. 26, 2024); see also the PFAS Rule Corrections, 89 Fed. Reg. 49101 (June 11, 2024). However, EPA has already expressed intent to significantly modify compliance thresholds and other requirements in Subpart Z PFAS regulations. Therefore, ADEQ intends to incorporate the new PFAS rules when modifications are finalized and published in the U.S. Code of Federal Regulations. See EPA’s announcement to rollback parts of the PFAS rule at:

<https://www.epa.gov/newsreleases/epa-announces-it-will-keep-maximum-contaminant-levels-pfoa-pfos>.

Second, ADEQ is updating R18-4-107, R18-4-111, and R18-4-117 with minor changes to conform those sections with the incorporation by reference changes in R18-4-102 described above.

7. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

Not Applicable.

8. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not Applicable.

9. A statement that the agency is exempt from the requirements under A.R.S. § 41-1055(G) to obtain and file a preliminary summary of the economic, small business, and consumer impact under A.R.S. § 41-1055(D)(2):

This rulemaking is exempt from the requirements to obtain and file an economic, small business, and consumer impact under A.R.S. § 41-1055(D)(2).

10. Where, when, and how a person may provide written comments on the proposed expedited rule:

A person may submit written comments no later than the close of record to the person listed under Item #5.

Close of Record: March 2, 2026

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

Not Applicable.

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

This rule revision does not require a permit.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

Federal law applies to this subject matter. These rule modifications comply with the Safe Drinking Water Act primacy requirements and do not exceed federal requirements.

c. Whether a person submitted an analysis to the agency regarding the rule’s impact on the competitiveness of businesses in this state as compared to the competitiveness of businesses in other states under A.R.S. §

41-1055(l). If yes, include the analysis with the rulemaking package.

Not Applicable.

12. List all incorporated by reference material as specified in A.R.S. § 41-1028 and include a citation where the material is located:

40 C.F.R. 141 and 142 (as of July 1, 2025)	R18-4-102(A)
40 C.F.R. 141, Subpart E (as of July 1, 2025)	R18-4-107
40 C.F.R. 141, Subpart I (as of July 1, 2025)	R18-4-111
40 C.F.R. 141, Subpart O (as of July 1, 2025)	R18-4-117

13. The full text of the rules follows:

Rule text begins on the next page.

TITLE 18. ENVIRONMENTAL QUALITY
CHAPTER 4. DEPARTMENT OF ENVIRONMENTAL QUALITY – SAFE DRINKING WATER
ARTICLE 1. PRIMARY DRINKING WATER REGULATIONS

Section

- R18-4-102. Incorporation by Reference of 40 CFR 141 and 142
- R18-4-107. Special Regulations, Including Monitoring - 40 CFR 141, Subpart E
- R18-4-111. Control of Lead and Copper – 40 CFR 141, Subpart I
- R18-4-117. Consumer Confidence Reports – 40 CFR 141, Subpart O

R18-4-102. Incorporation by Reference of 40 CFR 141 and 142

- A. Unless otherwise specified in this Chapter, all references to regulations in 40 CFR 141 and 142 in this Chapter refer to the July 1, ~~2014~~ 2025, version of the regulations. Copies of the incorporated material are available for review at the Arizona Department of Environmental Quality, 1110 W. Washington St., Phoenix, AZ, 85007, and are available from the U.S. General Printing office at <http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>.
- B. A reference to a federal statute or regulation in a federal statute or regulation incorporated by reference in this Chapter shall refer to and incorporate by reference the referenced statute or regulation as of the date specified in subsection (A), unless the referenced statute or regulation is incorporated by reference elsewhere in this Chapter in a modified form, in which case the reference shall be to the statute or regulation as incorporated in this Chapter.
- C. Documents incorporated by reference in a federal statute or regulation incorporated by reference in this Chapter are also incorporated by reference in this Chapter, as of the date specified in the federal statute or regulation.
- D. A federal rule incorporated by reference in this Chapter shall include all “Effective Date Notes” associated with the federal rule.
- E. The term “State” or “primacy agency” in the text of a federal statute or regulation incorporated by reference in this Chapter shall mean the Arizona Department of Environmental Quality unless otherwise noted.

R18-4-107. Special Regulations, Including Monitoring - 40 CFR 141, Subpart E

~~40 CFR 141, Subpart E (40 CFR 141.40 through 141.42) revised as of July 1, 2021 and published by the Office of the Federal Register, National Archives and Records Administration is incorporated by reference. This rule does not include any later amendments or editions of the incorporated material. Copies of the incorporated material are available for inspection at the Arizona Department of Environmental Quality, 1110 W. Washington, Phoenix, AZ 85007 or may be obtained from the U.S. Government Publishing Office, bookstore.gpo.gov, P.O. Box 979050, St. Louis, MO 63197-9000 is incorporated by reference as of the date specified in R18-4-102; this incorporation does not include any later amendments or editions.~~

R18-4-111. Control of Lead and Copper – 40 CFR 141, Subpart I

- A. 40 CFR 141, Subpart I (40 CFR 141.80 through ~~441.91~~ 141.93), is incorporated by reference as of the date specified in R18-4-102, subject to the modifications specified in this Section; this incorporation does not include any later amendments or editions.
- B. The first sentence of 40 CFR 141.89(a) is replaced by the following: “Analyses for lead, copper, pH, conductivity, calcium, alkalinity, orthophosphate, silica, and temperature shall be conducted using analytical methods approved by EPA and the Arizona Department of

Health Services. Analyses under this Section for lead and copper shall be conducted by laboratories that have been certified by EPA or the Arizona Department of Health Services.”

C. The text of 40 CFR 141.89(a)(1) is not incorporated by reference.

R18-4-117. Consumer Confidence Reports – 40 CFR 141, Subpart O

40 CFR 141, Subpart O (40 CFR 141.151 through ~~141.155~~ 141.156 and Appendix A), is incorporated by reference as of the date specified in R18-4-102; this incorporation does not include any later amendments or editions.