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March 9, 2021

Deborah Jordan
Deputy Regional Administrator/Acting Regional Administrator
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Re: Arizona Attorney General Certification – Safe Drinking Water Act Revisions

Dear Ms. Jordan:

The Arizona Attorney General's Office has reviewed the Arizona Department of Environmental Quality's (ADEQ) latest rule revisions to its Safe Drinking Water Act program, which are submitted herewith.

Certification

I hereby certify, pursuant to the authority and with the approval of the Attorney General of the State of Arizona, and in accordance with the Safe Drinking Water Act as amended, and 40 C.F.R. § 142.12(c)(1)(iii), that in my opinion the laws of the State of Arizona provide adequate authority to carry out the drinking water program of the State of Arizona, including those amendments to the program regarding Filter Backwash Recycling, Groundwater and Radionuclide Rules, which have been submitted herewith, and which have been duly adopted and are enforceable. The specific authorities provided are contained in statutes or rules that have been lawfully adopted at the time this statement was approved and signed, and are now fully in effect.

Furthermore, for the reasons set forth in the letter dated January 28, 2019, from this office, I certify that the environmental audit privilege of the State of Arizona does not affect ADEQ meeting its Safe Drinking Water Act enforcement and information gathering requirements as those requirements pertain to rules in the rule amendments submitted herewith, because the State's environmental audit privilege neither negates a public water system's obligations under the Safe Drinking Water Act nor does it negate the State of Arizona's authority to conduct compliance inspections, determine compliance, or impose penalties under A.R.S. § 49-354. The environmental audit privilege also does not prevent the public from obtaining information about

noncompliance nor does it prevent the public from bringing citizen suits under the Safe Drinking Water Act. Arizona's environmental audit privilege law has not changed since the date of the letter referenced above.

The undersigned Assistant Attorney General has been delegated authority from the Arizona Attorney General to sign and issue the statements and analysis set forth herein.

Sincerely,



James T. Skardon
Assistant Attorney General
Environmental Enforcement Section

cc: Curtis Cox, Section Chief, Environmental Enforcement, Arizona AGO

JTS/am
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