

NOTICE OF PUBLIC INFORMATION
DEPARTMENT OF ENVIRONMENTAL QUALITY

1. **Name of the Agency:** Arizona Department of Environmental Quality
 Title and its heading: 18, Environmental Quality
 Chapter and its heading: 4, Department of Environmental Quality – Safe
 Drinking Water
 Article and its heading: 8, Technical Assistance
 Section and its heading: R18-4-803, Master Priority List

2. **The public information relating to the listed statute:**

Pursuant to A.R.S. § 49-358, the Arizona Department of Environmental Quality (ADEQ) has developed a public water system compliance assistance program to assist small water systems in complying with state and federal laws, rules and regulations regarding safe drinking water. As of February 1, 2024, there are 1,510 public water systems (PWS) in operation in Arizona. Of this universe of water systems, 1,438 (95%) are classified as “small water systems” serving 10,000 or fewer persons. Historically, these small-and medium-sized public water systems have accrued the vast majority of Arizona’s reported drinking water violations (e.g., contaminant exceedance violations, no certified operator, missed monitoring). The capacity development program works to ensure that public water systems possess the technical, managerial and financial capacity to operate in accordance with all the drinking water rules and regulation. ADEQ’s technical assistance program also reaches out to “small public water systems” needing technical, managerial or financial assistance which is provided by ADEQ staff or through third party contractors.

3. **Draft Master Priority List**

Public water systems are initially identified for technical assistance on the basis of the Master Priority List (MPL) which is updated annually in the spring. The criteria used to determine the need for assistance include the measures used in determining the technical, managerial and financial (TMF) capacity of existing PWSs. Additional criteria include the public water system’s score on the U.S. Environmental Protection Agency’s (EPA) Enforcement Targeting Tool (ETT), system classification type, organizational structure, population served, and violation history. Technical assistance contracts are typically awarded to prepare one of several deliverables: a TMF capacity assessment of the water system, an evaluation of compliance options for water systems with maximum contaminant level (MCL) violations, design of a treatment system to address an ongoing MCL violation or conducting a well evaluation for possible non-treatment options. As funding is available, ADEQ will award technical assistance to those PWSs with the highest MPL rankings and who are willing to work with the department and its technical assistance providers. The Water Infrastructure Financing Authority (WIFA) also uses the MPL to identify possible candidates for additional technical assistance and/or financial assistance (e.g., low interest loans, technical assistance design grants, forgivable principle).

This year there were a few changes to the scoring criteria for the MPL, described as follows.

- The previous scoring criteria known as Initial Monitoring Year has been changed to **Activity Date** to better recognize the date the PWS began serving water. The point breakdown will remain the same.
- The way the **ETT** score is calculated was changed to better address the disparity of the highest points of ETT resulting in an over-representation of the ETT score within the total MPL score. Now, instead of using the ETT score given by the EPA, we will score the ETT points in the MPL on a scale that brings the percentage of ETT to 6.91% of the total MPL score. The scale is 0 points for an ETT score less than or equal to 10, 5 points for an ETT score between 11 and 25, 10 points for an ETT score between 26 and 50, and 15 points for an ETT score greater than or equal to 51.
- The way the **MCL Violations** score is calculated was changed to increase the MCL violation percentage represented within the total MPL score. MCL violations are a serious indication that improvements are needed to serve healthy drinking water in compliance with the Safe Drinking Water Act. The change in calculation included decreasing the points for acute violations (Nitrate, *E. coli*) from 25 points to 10 points; however, instead of 25 points for each type of violation, it will now be 10 points per occurrence. For example, previously if there were three nitrate violations, the score for the acute violation would be 25 points. Now, if there were three nitrate violations, the score would be 30 points. This would then be added to any chronic violation (arsenic, fluoride, radionuclides, lead/copper, disinfection byproducts) points that are calculated the same way as before, 5 points per occurrence. Additionally, a clarification on the violation category codes was included. The violation category code for MCL is used to calculate MCL Violations score. Although the violation category code Reporting (RPT) is linked with the MCL violation, it reflects more on administration violations and will not be used in the scoring. This change in calculation brings the percentage of MCL violations up to 40.09% of the total MPL score.
- The way the **Operation & Maintenance (O&M) Violations** is calculated was changed to better address the disparity of the highest points of O&M resulting in an over-representation of the O&M score within the total MPL score. Previously, it was 25 points per each open major violation and 5 points per each open minor violation. The change in calculation included breaking out the violation category codes used to calculate the score, Missed Monitoring (MON) and Public Notice (PN). The average number of the MON violations and the average number of the PN violations were then found. The MON score given for each system was 0 points for the number of MON violations below the average, 5 points if at or above the average, and 10 points if twice the average and above. PN violations were calculated in the same fashion. The MON and PN points for each system were then summed for the total O&M Violations score. This change in calculation brings the percentage of O&M violations down to 9.22% of the total MPL score.
- A new scoring criterion was introduced, **Monitoring Assistance Program (MAP)** score. According to A.A.C R18-4-803(B)(5), the participation in the monitoring assistance program is listed as a possible criterion to be considered in the MPL. However, this has not been included in the past as

non-participation in MAP on its own does not indicate a need for improved capacity development. PWS that are at or above 10,000 in population are allowed, but not required to participate in MAP. While systems with a population of less than 10,000 must participate, with an exception for federal and state systems. Systems at or above 10,000 in population that are not participating in MAP should not be given MAP points in the MPL as these systems could very well have the capacity needed to do their own sampling. Therefore, instead of looking at whether or not a system participates in MAP, the MPL MAP score looks at PWS with past due MAP fees. Past due MAP fees may indicate a system struggling to keep up with the financial demands of operating a water system. If a system is current with their MAP fees or the system is over 10,000 in population, then 0 points are awarded. Past due MAP fees will result in 5 points for each year overdue. This added criterion brings the MPL more into alignment with the suggested MPL criteria listed in A.A.C R18-4-803(B); while the use of past due map fees instead of participation alone more accurately indicates the need for additional capacity development.

- A new scoring criterion was introduced, **TMF** score. According to A.A.C R18-4-803(B)(11), the state may consider any or other measurable objective criteria related to the technical, managerial, or financial capacity of a public water system. ADEQ completed a TMF survey of all PWS in September of 2022, which resulted in a measurable objective TMF score for each system. The TMF score is a range of percentages with higher percentages representing a system with good TMF capacity and lower percentages representing systems at risk. A point scale was created for the TMF criteria. If the TMF score is greater than 95%, the system is awarded 0 points; if the TMF score is between 76% and 95%, the system is awarded 5 points; if the TMF score is between 50% and 75%, the system is awarded 10 points; and if the TMF score is less than 50%, the system is awarded 15 points. This added criterion brings the MPL more into alignment with the suggested MPL criteria listed in A.A.C R18-4-803(B).

Pursuant to A.A.C. R18-4-803(D), ADEQ is publishing this Notice of Public Information in the *Arizona Administrative Register (A.A.R.)* and will hold a virtual meeting/oral proceeding to provide the public with an opportunity to comment on the FY25 Master Priority List. The Draft Master Priority List can be viewed on the ADEQ Calendar beginning on May 10, 2024 at <https://www.azdeq.gov/publicnotices>.

Beginning May 10, 2024, the 30-day public review and written comment period begins. At the completion of the public review period, the oral proceeding will be held as a virtual meeting on Monday, June 10, 2024. Following the oral proceeding, ADEQ will formulate a response to both written and oral comments received and consider modifications to the MPL in response to those comments. If no comments are received, the MPL becomes final on June 10, 2024. If comments are received and changes are made, notice of the revised MPL will be re-published in the *A.A.R.*, along with a summary of comments received and the department's response to those comments.

4. **The name and address of agency personnel with whom persons may communicate:**

Name: Hannah Walker, Capacity Development & Technical Assistance Coordinator
Address: Arizona Department of Environmental Quality
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Telephone: (520) 628-6729

5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**

Oral comments on the FY25 MPL can be made during the following virtual meeting:

Date: Monday, June 10, 2024

Time: 9:00 am

Join online: <https://meet.google.com/wtg-jpcy-tah>

Call in: (US) +1 413-779-5432

Access code (PIN): 633 128 686#

ADEQ will accept written comments on the Draft FY25 MPL until close of business June 10, 2024. Written comments should be submitted to the person identified in #4 above. Email is preferred.