

INFORMAL STAKEHOLDER DRAFT 7-26-2024

NOTICE OF PROPOSED RULEMAKING

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 4. DEPARTMENT OF ENVIRONMENTAL QUALITY – SAFE DRINKING WATER

PREAMBLE

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<u>2. Article, Part, or Section Affected (as applicable)</u>	<u>Rulemaking Action</u>
Article 3	
R18-4-301	Amend
R18-4-302	Amend
R18-4-303	Amend
R18-4-304	Amend
Table 1	New Section
R18-4-305	Amend

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

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 An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

General Explanation of this Rulemaking:

Background

Arizona Department of Environmental Quality (ADEQ) is modifying its Monitoring Assistance Program (MAP) rules in A.A.C. Title 18, Chapter 4, Article 3 because of an immediate need for fee increases to maintain the solvency of the MAP fund, and to conform with recent legislative MAP changes in HB2628, codified at Laws 2024, Chapter 150, § 5.

MAP was established in A.R.S. § 49-360 in the late 1990s to assist small public water systems (PWSs) to comply with the Safe Drinking Water Act (SDWA). The goal of MAP is to keep ADEQ-regulated public water systems in compliance with the SDWA through a regular testing schedule whereby MAP contractor(s), conducts sampling, analysis, and reporting of certain SDWA-regulated contaminants. Participation in the MAP is mandatory for all small systems (excluding transient, non-community water

systems) serving 10,000 people or less, and is proposed in this rulemaking to be conditionally optional for those systems that provide water to more than 10,000 individuals. There are approximately 1,500 PWSs in Arizona, of which 820 systems are MAP participants. That is 54% of all systems in Arizona, consisting of approximately 805,353 individuals being served by water systems participating in the program.

Small systems face resource challenges with the collection and analysis of samples due to the complexities and expense of carrying out these actions. Indeed, prior to the implementation of MAP, sampling and testing to ensure safe drinking water for Arizona's residents was fully the responsibility of the PWS owners, and at that time, small PWSs had high monitoring non-compliance rates, thus leading to the creation of MAP. ADEQ records show that prior to the implementation of MAP monitoring (1993-95), only 26% of PWS during the period fully complied with all synthetic organic compound (SOC) monitoring requirements, and about 74% of small systems exhibited SOC monitoring deficiencies ranging in levels of severity. An estimated 43% were in partial compliance, and 31% were not monitoring for SOCs at all. Thus, at that time, MAP was implemented to ensure that the required monitoring was performed, and human health was protected. See 5 A.A.R. 98, at 100 (Jan. 15, 1999).

The general public and public water systems all benefit from MAP. After the creation of MAP, sampling and testing compliance rates increased significantly. The impacts to the state of increased monitoring compliance are invaluable. This is because current monitoring data is critical to the ability to know where existing problems are and how to take necessary steps to protect public health. Without the MAP, it is estimated that many (potentially up to 50%) water systems would fall into non-compliance due to budgetary shortfalls and the complexity associated with the sampling requirements. MAP can also financially benefit public water systems. MAP not only alleviates monitoring non-compliance, which can also have costly consequences for public water systems, but also provides economies of scale of monitoring management. Systems can financially benefit from MAP-provided resources, including the expertise, time, administrative assistance, and project management necessary to manage SDWA monitoring requirements and scheduling.

For more on the history and creation of MAP, please see the Arizona Administrative Registers (A.A.R.) from 1999 and 2001:

- 5 A.A.R. 98 (published January 15, 1999)
 - (available at: <https://azmemory.azlibrary.gov/nodes/view/84982>)
- 7 A.A.R. 5067 (published Nov. 2, 2001)
 - (available at: https://apps.azsos.gov/public_services/register/2001/44/contents.shtm)

Stakeholder Engagement

ADEQ has held two informal stakeholder meetings to date [as of 8/1/2024], presentations for which can be found currently at <https://www.azdeq.gov/rulemaking/mapfees>:

- August 1, 2023 Informal Meeting
- February 20, 2024 Informal Meeting

Two Major Changes in this Rulemaking: (a) Increased Baseline Fees for Fund Solvency and (b) Triggered Monitoring Options

The overarching goal of this rulemaking is to ensure MAP fund solvency, and conform with statutory changes, one of which is allowing ADEQ to provide options for triggered monitoring under MAP.

(a) **Baseline Fees.** First, and most importantly, if ADEQ does not update the fees for this program as soon as possible, the MAP fund will have a negative balance as soon as fiscal year 2026. For this reason, ADEQ is increasing baseline MAP fees and attaching an automatic annual consumer price index adjustment. Baseline MAP fees have not changed since 2001; mean-

while, inflation alone has increased costs nearly 79% since that time. Other price increases have put additional strain on the program finances. Additionally, some larger systems that had voluntarily been part of MAP have recently opted out, causing increased strain on available MAP funds. Also, new and future EPA regulations, such as for per- and polyfluoroalkyl substances (PFAS) standards, finalized in April 2024, will continue to increase MAP costs. See 89 Fed. Reg. 32532 (Apr. 26, 2024) for more information. Furthermore, it is expected the EPA will continue to add additional substances, such as perchlorate, which will fall under the purview of MAP, thus likely to increase costs into the future. For more information on likely coming regulations for perchlorate, please see EPA’s website at <https://www.epa.gov/sdwa/perchlorate-drinking-water>. Therefore, ADEQ intends to modify baseline MAP service fees as follows:

- i. Increase the annual fee of \$250 to \$447, and
- ii. Increase the service connection or meter unit fee of \$2.57 to \$4.60 each.

(b) **Triggered Monitoring.** Second, ADEQ plans to provide triggered monitoring services at cost to implement HB2628. Triggered monitoring is increased monitoring required by Safe Drinking Water Act regulations when the results of baseline monitoring indicate the presence of a contaminant at a level that requires additional or more frequent monitoring. Triggered monitoring does not include quarterly monitoring required for life of the system that is condition of treatment approval under Chapter 5, Article 5. Only baseline MAP participants may opt into the triggered monitoring program. Again, while maximum fees are listed in Table 1, ADEQ will invoice no more than costs of triggered monitoring to the agency. ADEQ also proposed implementing subsections to ensure that triggered monitoring will be fairly funded and ensure MAP solvency. For additional explanations of changes, please see the rulemaking descriptions below for the proposed rule changes for sections R18-4-304(C), (D), (E), and Table 1.

Some of the other changes in this rulemaking include the following, which are further explained in the table below:

- Modification of the surplus rollover amount to better align with actual operational costs,
- Limiting voluntary participation in MAP to better ensure fund solvency and manage resources,
- Modernizing and conforming changes, and
- Clarifying changes to solidify long-standing interpretations and practices under MAP.

Section by Section Explanation of Changes in this Rulemaking:

Section Number as Proposed	Section Title	Modification Subject	Modification Description
R18-4-301(A)	Applicability <u>and</u> <u>Definitions</u>	Definitions	<p>Definitions added for:</p> <ul style="list-style-type: none"> • Annual operating costs • Baseline monitoring • Compliance period • Triggered monitoring • Triggered monitoring assistance program <p>The definition of baseline monitoring includes the minimum categories of contaminants for which MAP samples, and MAP will likely sample for PFAS in the coming years given the new standard. See 89 Fed. Reg. 32532 (Apr. 26, 2024) for more information.</p>

Section Number as Proposed	Section Title	Modification Subject	Modification Description
			The definition also clarifies MAP does not sample systems which have treatment in place for a particular contaminant, such as arsenic. There are several reasons for this long-standing policy, including that this testing is not routine or baseline. In addition, these systems should be sampling more than required compliance testing frequencies, and should be managing operations much more closely to be able to track when media should be exchanged.
(B)	“	Mandatory Baseline Participation	Specifying that only community or non-transient, non-community public water systems that serve 10,000 or fewer persons are required to be part of MAP. Transient non-community systems would likely not financially benefit from this program, nor would human health likely benefit, and these systems are therefore likely not intended to be mandated participants under A.R.S. § 49-360.
(B)	“	Mandatory Baseline Participation	ADEQ may use multiple sources to conclude that a system meets the population requirements. Therefore, ADEQ is removing the requirement to only use Arizona’s population statistics.
(C)	“	Voluntary Baseline MAP Participation and Approval	<p>This added provision allows ADEQ to determine whether to approve or remove a particular system as a voluntary MAP participant.</p> <p>In some cases, it is not financially viable for MAP to support voluntary participants. For example, a system with numerous EPDSs but few service connections would cost MAP relatively more than other systems that have more service connections. If a system is not required to be a part of MAP, this program cannot afford for the MAP fund to subsidize these voluntary systems.</p> <p>The same is true if a voluntary system cannot administratively support or allow contractors to conduct sampling according to their availability or needs. MAP contractors must sample for a vast number of systems that rely on the program to maintain compliance and continue serving healthy water to their customers.</p> <p>For these reasons, ADEQ needs mechanisms to limit voluntary participants to those that will not pose a financial or administrative burden on MAP resources.</p>
R18-4-302	Contractor Responsibilities	Conforming clarifications	Changes to this section align with current practice as to what contaminants are included in the MAP program, and clarify contractor duties in implementing triggered monitoring.
R18-4-303(B)	Public Water System Responsibilities	Additional contact information	At times the MAP program, and ADEQ more broadly, does not have current information for the operator in responsible charge, as defined in Chapter 5, Article 1, or the administrative or office compliance staff who will respond and communicate with ADEQ and contractors regarding MAP sampling. This information request ensures that MAP can be implemented efficiently.
R18-4-303(A) & (B)	“	Additional contact information and responsibility clarification.	At times the MAP program, and drinking water program generally, does not have current information for administrative or office staff and that for the current operator. This section also clarifies that PWS remain responsible to maintain compliance with SDWA requirements. If a system does not allow ADEQ’s contractor to sample, they will still be responsible for ensuring that monitoring is conducted.
R18-4-304(A)	Fees for the Monitoring	Baseline fee increase	Due to several financial strains on the MAP fund, it is imperative that ADEQ increase baseline monitoring fees.

Section Number as Proposed	Section Title	Modification Subject	Modification Description
	Assistance Program and <u>Triggered Monitoring Participation</u>		<p>ADEQ intends to modify baseline MAP service fees as follows:</p> <ol style="list-style-type: none"> 1. Increase the annual fee of \$250 to \$447, and 2. Increase the service connection or meter unit fee of \$2.57 to \$4.60 each. <p>Sampling is conducted at the entry point to the distribution system, although billing for routine monitoring is based on the number of service connections to a system.</p> <p>More discussion on this fee change is located in the narrative preamble above, in the section titled “Baseline Fees.”</p>
(B)	“	Baseline monitoring fund surplus	<p>Provisions here are conforming accounting changes to align with HB2628.</p> <p>Modifies baseline monitoring program surplus cap from \$200,000 per year to a function of previous operational costs.</p> <p>Also clarifies that triggered monitoring fees and costs are to be accounted separately from baseline monitoring fees and costs.</p>
(C)	“	Baseline monitoring eligibility change impacts on participation cessation and fees	<p>If a public water system no longer meets mandatory participation eligibility requirements and either remain in MAP for the remainder of the compliance period pursuant to R18-4-304(C)(1), the system will need to follow the rule as it previously existed except that to continue participating in MAP will require voluntary participation approval under R18-4-301(C).</p>
(D)(1) & (2)	“	Triggered monitoring participation	<p>Triggered monitoring is limited to only baseline MAP participants. This is necessary to keep administrative costs as low as possible for participants who truly need the MAP program to continue operating. This section also describes how to opt into the triggered monitoring program.</p>
(D)(3)	“	Triggered monitoring cessation	<p>These provisions list the conditions that cause a participating triggered monitoring system to exit the program voluntarily or mandatorily.</p>
(D)(4)	“	Limits to triggered monitoring cessation	<p>Compliance document conditions may prevent a public water system to opt out of the triggered monitoring program.</p>
(E)	“	Triggered monitoring fees	<p>These provisions indicate the maximum fees a PWS will pay for triggered monitoring.</p> <p>ADEQ will only charge fees up to the actual costs to ADEQ.</p> <p>ADEQ will refuse to conduct triggered monitoring without payment.</p>
(F)	“	CPI annual adjustment to all MAP fees	<p>This provision is one of the most important provisions to MAP fund solvency. It ensures that MAP fees are increased by the Consumer Price Index for the Phoenix Metro Area each year, and provides a means for publication of these annual changes. This rule change is absolutely necessary to ensure viability of MAP.</p> <p>Note that according to the U.S. Office of Management and Budget, the</p>

Section Number as Proposed	Section Title	Modification Subject	Modification Description
			<p>official title for the Phoenix Metro Area for purposes of delineating metropolitan statistical areas is currently Phoenix-Mesa-Chandler, AZ Metropolitan Statistical Area.</p> <p>See <i>OMB Bulletin No. 23-01</i> (July 21, 2023), available at https://www.whitehouse.gov/wp-content/uploads/2023/07/OMB-Bulletin-23-01.pdf.</p>
Table 1.	Table of Maximum Fees for the Triggered Monitoring Assistance Program	Triggered monitoring max fees	<p>This table represents maximum fees to be charged for triggered monitoring. However, as stated in R18-4-304(E), ADEQ will only charge actual costs to the agency.</p> <p>For example, if multiple analytes trigger monitoring and can be or is conducted in one single trip, then the contractor and ADEQ would only bill for one sampling fee.</p> <p>These fees represent:</p> <p style="text-align: center;">What ADEQ plans to charge PWSs =</p> <p style="text-align: center;">Maximum pass through costs per analyte <i>category</i>, which include: (a) the constituent dependent cost of the sample analysis, in addition to (b) the contractor’s sampling trip fee, which is currently \$150 +</p> <p style="text-align: center;">A standard ADEQ administrative fee per invoice pursuant to ARS § 49-360(G)(1) – (G)(4) +</p> <p style="text-align: center;">(ADEQ will also include the Phoenix Metro Area Consumer Price Index adjustment, as applicable in the given year per R18-4-303(H).)</p> <p>Consider the following examples:</p> <ul style="list-style-type: none"> • Ex. 1 Exceedance for arsenic at PWS “XYZ” triggers increased monitoring. Nitrate is an inorganic chemical (IOC), which is one of the suites of contaminants. A sample for nitrate under the current contract (which is subject to change by the way), is \$12. Therefore, PWS “XYZ” would pay \$12 + \$150 + \$70 = \$201. • Ex. 2 PWS “ABC” triggered PFAS monitoring, it would have to pay \$625 + \$150 + \$70 = \$810, because PFAS monitoring is billed as a whole, and is not broken out into parts of a suite of analytes. <p>The administrative fee is conservatively based on an hour of staff time per invoice.</p> <p>The sampling fee is an additional separate line item in case to provide notice of this particular cost in the instance that the contractor must return to a PWS EPDS that was not available during their previous trip.</p>
R18-4-305(A) & (E)	Collection and Payment of Fees	Electronic invoicing	This small change will ensure that ADEQ may send emailed invoices by law.
(F)	“	ADEQ’s refusal to conduct sampling for lack of payment	It is essential that MAP remains solvent in order to ensure that PWSs are serving water of adequate quality to consumers. Therefore, ADEQ may refuse to conduct sampling of any kind to systems that are or become in arrears for lack of payment for baseline or triggered monitoring, until the agency is paid in full.



14. 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 3. MONITORING ASSISTANCE PROGRAM

Section

R18-4-301.	Applicability and Definitions
R18-4-301.01.	Renumbered
Table 1.	Renumbered
R18-4-301.02.	Repealed
R18-4-302.	Contractor Responsibilities
R18-4-303.	Public Water System Responsibilities
R18-4-304.	Fees for the Monitoring Assistance Program and Triggered Monitoring Participation
Table 1.	Table of Maximum Fees for the Triggered Monitoring Assistance Program
R18-4-305.	Collection and Payment of Fees
R18-4-306.	Repealed
R18-4-307.	Repealed
R18-4-308.	Repealed
R18-4-309.	Repealed
R18-4-310.	Repealed
R18-4-311.	Repealed
R18-4-312.	Repealed
R18-4-313.	Repealed
R18-4-314.	Repealed
R18-4-315.	Repealed
R18-4-316.	Repealed
R18-4-317.	Repealed
Table 1.	Repealed
Appendix A.	Repealed
Appendix B.	Repealed

ARTICLE 3. MONITORING ASSISTANCE PROGRAM

R18-4-301. Applicability **and Definitions**

A. Definitions. **The following definitions apply for purposes of this Article:**

1. **“Annual operation costs” means the mean annual average baseline monitoring assistance program operation costs of the three preceding calendar years.**
2. **“Baseline monitoring” means initial, routine, and reduced monitoring for contaminants included in the monitoring assistance program, which, at a minimum, include those categories of contaminants listed in A.R.S. § 49-360(A)(1) through (A)(4), which are:**
 - a. **Volatile organic chemicals**
 - b. **Synthetic organic chemicals**
 - c. **Inorganic chemicals except for copper and lead**
 - d. **Radiochemicals.****Baseline monitoring does not include the quarterly monitoring required for the life of the system as a condition of treatment approval.**
3. **“Compliance period” means a full calendar year.**

4. “Triggered monitoring” means increased monitoring required by this Chapter when the results of baseline monitoring indicate the presence of a contaminant at a level that requires increased monitoring by a participating public water system. Triggered monitoring does not include quarterly monitoring required for life of the system as a condition of treatment approval under Chapter 5, Article 5.

5. “Triggered monitoring assistance program” means the subpart of the monitoring assistance program that allows the Department to conduct triggered monitoring for those public water systems that are already participating in the monitoring assistance program for baseline monitoring.

A.B. Mandatory baseline monitoring participation. A community or non-transient, non-community public water system that serves 10,000 or fewer persons shall participate in the monitoring assistance program for baseline monitoring. Within 60 days after receiving notice of participation in the monitoring assistance program from the Department, a public water system that determines that it serves more than 10,000 persons shall substantiate its determination by submitting evidence-based documentation to the Department the portion of the most recent census provided by the Arizona Department of Economic Security, Research Administration, Population Statistics Unit that supports the public water system’s determination.

B.C. Voluntary baseline monitoring participation. A public water system that is not obligated to participate in the baseline monitoring assistance program may elect to participate in the monitoring assistance program if the:

1. The owner of the public water system:

1-a. Notifies Requests permission from the Department in writing of the public water system’s intention to participate in the baseline monitoring assistance program, on a form provided by the Department,

2-b. Agrees to participate in the baseline monitoring assistance program for a minimum of three years, and

3-c. Pays the fees required by R18-4-304. Subject to payment of the required fees, the public water system’s participation shall begin at the start of the next full calendar year of a compliance period,

d. Provides information regarding the number of service connections and entry points to the distribution system,
and

e. Agrees to MAP programmatic procedures; and

2. The Department determines the system is not likely to pose a financial or administrative burden to the program, thereby approving the system for participation in MAP.

Subject to payment of the required fees, the public water system’s participation shall begin at the start of the next full calendar year of a compliance period. However, if a voluntary MAP participant becomes a financial or administrative burden to the program, as determined by the Department, the Department may revoke approval to participate, effective upon the start of the calendar quarter following the Department’s written notification to the system. The system may participate in MAP at a later date, subject to a new participation request and Department approval pursuant to this subsection.

R18-4-301.01. Renumbered

Table 1. Renumbered

R18-4-301.02. Repealed

R18-4-302. Contractor Responsibilities

- A. Under the monitoring assistance program, a contractor is authorized to collect, transport, analyze, and report water samples on behalf of a participating public water system.
- B.** ~~The~~ contractor or a party designated by ~~the~~ contractor to **conduct baseline monitoring** shall conduct baseline monitoring for all **chemicals contaminants** for which the system is required to monitor under this Chapter, except for copper, lead, disinfection byproducts, **contaminants monitored under any Surface Water Treatment Rule, such as turbidity,** and microbiological contaminants, which **all** remain the responsibility of the public water system. **Baseline monitoring includes routine monitoring for contaminants included in the monitoring assistance program. Baseline monitoring does not include increased monitoring required by this Chapter when the results of baseline monitoring indicate the presence of a contaminant at a level that requires increased monitoring by a participating public water system.**
- C.** **A contractor or a party designated by a contractor to conduct triggered monitoring shall conduct triggered monitoring as required pursuant to this Article and the Department's contractual agreement with the contractor.**
- B.D.** A contractor shall deliver **electronic** copies of monitoring analysis results to the public water system and to the Department **according to the method established in the contract.**

R18-4-303. Public Water System Responsibilities

- A. Although a contractor performs baseline monitoring when a public water system participates in the monitoring assistance program, the public water system remains legally responsible for compliance with all **other** requirements of this Chapter.
- B.** The legal owner of a public water system participating in the monitoring assistance program shall notify the Department by July 1 of each year of:
 1. The legal owner's name, current mailing address, and phone number;
 2. The population currently served by the public water system;
 3. The public water system identification number; **and**
 4. The number of meters and service connections currently in the public water system; **and**
 - 5. The name, email, and phone number of the current administrative contact; and**
 - 6. The name, email, and phone number of the current operator in direct responsible charge, as defined in Chapter 5, Article 1.**
- C.** A public water system that participates in the monitoring assistance program shall not deny a contractor access to or restrict a contractor's access to the public water system or prevent a contractor from collecting a sample covered under the monitoring assistance program.
- D.** Direct reporting. A public water system may contract with a laboratory or another agent to report monitoring results to the Department, but the public water system remains legally responsible for compliance with reporting requirements.

R18-4-304. Fees for the Monitoring Assistance Program **and Triggered Monitoring Participation**

- A.** **Baseline monitoring fees.** The Department shall assess, and a public water system participating in the **baseline** monitoring assistance program shall pay, the following annual fees, subject to adjustments referenced in subsection (B):
 1. An annual fee of ~~\$250~~**\$447**, and
 2. A unit fee of ~~\$2.57~~**\$4.60** per meter or service connection.
- B.** **Baseline monitoring fund surplus.** If the monitoring assistance fund has a surplus after execution of the previous year's contract, any surplus **in excess of \$200,000 in any year above annual operation costs of the baseline monitoring assis-**

ance program shall be used to reduce future **annual** fees for public water systems that paid **baseline monitoring** annual fees in the previous compliance period, in a manner consistent with the program invoicing system. In the first compliance period that a public water system participates in the **baseline** monitoring assistance program, the public water system shall pay the full amount of annual fees due under this Section, and is not entitled to a fee reduction resulting from a surplus in the monitoring assistance fund from a prior compliance period. **Triggered monitoring fees are not considered part of the annual operation costs of the mandatory baseline monitoring assistance program. ADEQ shall account and reconcile triggered monitoring fees separately from baseline monitoring fees in the monitoring assistance fund.**

C. **Baseline monitoring eligibility change impacts on participation cessation and fees.** If a public water system serving 10,000 or fewer persons at the beginning of a compliance period increases service during the compliance period so that the public water system serves more than 10,000 persons annually, the public water system may elect to cease participation in the **baseline** monitoring assistance program under the following conditions:

1. If the monitoring assistance program has already conducted monitoring for the public water system during the compliance period, the public water system shall remain in the monitoring assistance program, and pay annual fees, for the remainder of the compliance period. **Upon conclusion of the compliance period, such public water system may conditionally elect to continue to be a part of the monitoring assistance program, subject to the approval, or re-approval, required by the voluntary participation requirements in R18-4-301(C).**
2. If the monitoring assistance program has not conducted monitoring for the public water system during the compliance period, the public water system may cease participating in the monitoring assistance program, and if so, the Department shall refund any monitoring fees paid by the public water system during the compliance period.

D. Triggered monitoring participation and cessation.

1. **Only a public water system that participates in the baseline monitoring assistance program may elect to participate in the triggered monitoring assistance program, and**
2. **A qualifying public water system may elect to participate in the triggered monitoring assistance program by notifying the Department on a form provided by the Department.**
3. **A triggered monitoring program system participant shall continue to be part of the triggered monitoring assistance program until one or more of the following applies:**
 - a. **Triggered monitoring is no longer required.**
 - b. **The public water system opts out of the program via notice to the Department in writing, on a form provided by the Department.**
 - c. **The Department removes the public water system from participation of the program for nonpayment pursuant to A.A.C. R18-4-305(F), or**
 - d. **The Department removes the public water system from participation of triggered and or baseline monitoring because the public water system poses a likely a financial or administrative burden to the program, as set forth in A.A.C. R18-4-301(C)(2).**
4. **A public water system may opt out of the triggered monitoring assistance program, unless the public water system participates in the program as a condition of a compliance document, such as a consent agreement, in which case the terms of the compliance document apply.**

E. Triggered monitoring fees.

1. If a public water system elects to allow, on a case-by-case basis, the Department to conduct triggered increased monitoring, then prior to sampling the public water system shall agree to pay the invoiced fees on a form provided by the director, which are based on the maximum fees listed in Table 1.
2. The Department shall only charge triggered monitoring fees up to the actual costs to the agency for the specific services provided, including necessary administrative cost fees.
3. The Department may refuse to conduct triggered increased monitoring if the public water system has not paid the fees in subsection (D) of this section.

F. Consumer Price Index (CPI) annual adjustment to all MAP fees. The Department shall adjust all baseline and triggered monitoring assistance program fees identified in subsections (A) and (E), respectively, including Table 1, every December, to the nearest dollar, by multiplying each of the fees by the Consumer Price Index (CPI) for the most recent year, and then dividing by the CPI for the year 2023. The CPI for any year is the average of the Consumer Price Index for All Urban Consumers, Phoenix-Mesa-Chandler, AZ Metropolitan Statistical Area, all items published by the United States Department of Labor, as of the close of the 12-month period ending in October of that year. The Department shall publish the CPI adjusted fees each year via either:

1. The Department’s website, or
2. A Notice of Information published in the Arizona Administrative Register.

Table 1. Table of Maximum Fees for the Triggered Monitoring Assistance Program

Triggered Monitoring Contaminant or Contaminant Category Regulated under this Chapter	Max Fee Per Triggered Contaminant or Contaminant Category* or Separate Sampling Trip
One sample of Radionuclides (RADs) *	\$580.00
One sample of VOCs*	\$290.00
One sample of IOCs (regulated) *	\$551.00
One sample of PFAS (regulated) est for 533*	\$845.00
One sample of SOCs (regulated)*	\$1,155.00
Sampling trip to a water system	\$150.00

**(Includes one sampling trips and administrative fees)*

R18-4-305. Collection and Payment of Fees

- A. The Department shall annually mail, or email, an invoice for fees to the legal owner of a public water system participating in the monitoring assistance program. The owner of the public water system shall pay the invoiced amount to the Department, at the address listed on the invoice, by the due date indicated on the invoice.
- B. The Department shall make refunds or billing corrections if a public water system demonstrates an error in the amount billed. The owner of a public water system shall send a written request for a refund or correction to the Department, at the address on the invoice, within 90 days of the invoice date.
- C. The Department may verify the number of meters and service connections of a participating public water system.
- D. The Department shall not waive fees prescribed by R18-4-304.

- E. The owner of a public water system that fails to pay fees assessed by the Department in a timely manner shall be subject to the penalties listed in A.R.S. § 49-354. Failure to notify the Department of the owner's current mailing address or electronic contact information does not relieve the owner of a public water system from liability for penalties.
- F. ADEQ may refuse to conduct baseline or triggered monitoring, or other assistance, to public water systems that are in arrears in paying monitoring assistance program fees.