

ARIZONA DEPARTMENT OF WATER RESOURCES
LEGAL DIVISIONM E M O R A N D U M

TO: Herb Dishlip

THROUGH: Patrick Schiffer

FROM: Bruce Davis, Mike Pearce *Mike*

DATE: November 1, 1991

RE: Decision Memo #2 Beneficial Use Requirement for
Poor Quality Withdrawals of less than 100 AFA

It is the Department's position that all groundwater withdrawn pursuant to a Poor Quality Groundwater Withdrawal Permit ("PQGWWP") be put to beneficial use. The Department recognizes, however, that in some instances it may not be practical nor cost effective to require beneficial use. This is especially true in remedial actions where the groundwater to be withdrawn is less than 100 acre feet per annum ("AFA"). Because each situation is unique, the following guidelines apply:

1. If the PQGWWP is for less than 5 years, and less than 100 AFA, discharges to the sewer system may be permitted, if there is no readily apparent beneficial use.
2. If paragraph 1 does not apply, the applicant must prepare and submit to the Department a beneficial end use plan/feasibility study. This plan shall ascertain one or more beneficial end uses for the water and detail all procedures for implementing the plan. If the applicant can demonstrate to the Department's satisfaction that no economically feasible beneficial end use exists, discharges to the sewer system may be permitted. Otherwise, the applicant will be required to implement the beneficial end use plan within a reasonable time, as negotiated between the applicant and DWR.
3. If a previously issued PQGWWP is to be renewed for a term which extends the aggregate term to more than five years, the beneficial end use requirement of paragraph 2 shall be imposed upon renewal.
4. If necessary, the PQGWWP may be issued prior to the completion of the beneficial end use plan/feasibility study and water may be discharged to the sewer in the interim. In

all such cases, the PQGWPP shall contain a condition allowing revocation of the permit if the plan is not completed in a timely and satisfactory manner. Typically, the plan should be completed no later than six months after the issuance of the permit.

MJP/BD/sm