



**ARIZONA STATE SENATE**  
*Fifty-Sixth Legislature, Second Regular Session*

FACT SHEET FOR H.B. 2020

long-term storage; stormwater; rainwater; rules

Purpose

Grants long-term storage credits to a person who develops infrastructure in an active management area (AMA) that incidentally recharges an aquifer. Outlines requirements the Director of the Arizona Department of Water Resources (ADWR) must adopt related to incidentally charging an aquifer.

Background

Long-term storage credits in an AMA are granted to a person storing water in an underground storage facility, provided that: 1) the stored water would not have otherwise been naturally recharged into the aquifer; 2) the stored water cannot reasonably be used directly; and 3) the stored water was not recovered on an annual basis ([A.R.S. § 45-852.01](#)). Anyone holding long-term storage credits may recover stored water from anywhere within the same AMA in which it was stored, so long as recovery is consistent with the management plan and goals of the AMA and, if within three miles of a service area of a city, town, private water company or irrigation district, that the appropriate entity has given consent to the recovery of stored water ([A.R.S. § 45-834.01](#)).

Long-term storage credits may be used to establish an assured water supply or fulfill water replenishment obligations. Stored water maintains the legal description of the original source of water, allowing the water to be used only under the same jurisdiction of its original use. In addition, a holder of long-term storage credits may assign by grant, gift, sale, lease or exchange all or part of the holder's long-term storage credits ([ADWR](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Specifies that water that incidentally recharges an aquifer caused by the development of infrastructure in an AMA is qualified as an underground storage facility.
2. Entitles a person who develops or plans to develop infrastructure in an AMA that results in increased natural, incidental or artificial recharge to the groundwater basin to earn and hold long-term storage credits in an amount up to the level of increased recharge or projected increased recharge.
3. Requires the Director of ADWR, by January 1, 2025, to adopt rules that promote new construction of facilities that are eligible to earn long-term storage credits, including:
  - a) stormwater detention basins that increase natural, incidental or artificial recharge;
  - b) roadways and sidewalks that facilitate stormwater recharge; and
  - c) any other public infrastructure that facilitates rainwater or stormwater recharge.

4. Requires the rules promoting construction of facilities to include:
  - a) the application timeline;
  - b) procedures for certifying qualifying infrastructure;
  - c) criteria for eligibility; and
  - d) formulations for quantifying the increased recharge or projected increased recharge and the corresponding long-term storage credits that are expected to be earned over the useful life of the infrastructure.
5. Exempts a person who applies for long-term storage credits pursuant to water that incidentally recharges an aquifer from permitting requirements of an underground storage facility permit or groundwater savings facility permit.
6. Makes technical changes.
7. Becomes effective on the general effective date.

House Action

NREW	2/6/24	DP	5-4-0-0
3 <sup>rd</sup> Read	2/27/24		31-27-1-0-1

Prepared by Senate Research  
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RA/KP/slp