



ARIZONA HOUSE OF REPRESENTATIVES

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House: NREW DP 12-0-0-0 | 3rd Read: 51-7-2-0

Senate: NREW DP 9-0-0-0 | 3rd Read: 25-3-2-0

HB 2126: hazardous waste program fees

Sponsor: Representative Griffin, LD 14

Transmitted to the Governor

Overview

Allows the Arizona Department of Environmental Quality (ADEQ) to set fees for hazardous waste.

History

Hazardous Waste Management

ADEQ administers hazardous waste management programs intended to meet the minimum standards of federal hazardous waste management laws. ADEQ charges fees to cover the cost of administrative services and other expenses associated with evaluating applications and issuing or denying permits ([A.R.S. § 49-922](#)). Fees are charged for hazardous waste permits and each ton of hazardous waste generated, transported and disposed ([A.R.S. § 49-931](#)).

A 2011 law prohibited ADEQ from increasing hazardous waste permit fees and fees for generating and disposing of hazardous waste after September 30, 2013. The law allows hazardous waste permit fees to be reduced by half if the person complies with a pollution prevention plan ([Laws 2011, Chapter 220](#) codified in [A.R.S. § 49-931\(A\)](#)).

Fee Setting Process

A state agency must have the statutory authority to adopt rules setting fees ([A.R.S. § 41-1008](#)). The rulemaking process requires an agency to publish separate notices for opening a rulemaking docket and proposing a rule as part of this docket. An agency also must notify anyone who requested to be updated on proposed rulemaking (A.R.S. §§ [41-1021](#) and [41-1022](#)). Once the proposed rule is published, the agency must allow at least a 30-day public comment period. The agency must also hold a public hearing on the proposed rule if requested ([A.R.S. § 41-1023](#)). After the public comment period ends, the agency has 120 days to either end the rulemaking or submit the rule to the Governor's Regulatory Review Council or the Attorney General for approval ([A.R.S. § 41-1024](#)).

An agency generally cannot increase a fee by an amount that exceeds the percent change in the average Consumer Price Index between the latest calendar year and the calendar year when the last fee increase occurred. The only exceptions are if the agency either submits the fee increase to JLBC for review before the fee is increased or if the agency is required to submit an annual report that includes information about this fee to the Legislature ([A.R.S. § 41-1008](#)).

Provisions

1. Repeals the prohibition on ADEQ increasing permit fees for hazardous waste treatment, storage and disposal facilities and fees for generating and disposing of hazardous waste after September 30, 2013 without specific statutory authorization. (Sec. 1 and 2)
2. Deletes the requirement that JLBC review proposed fees. (Sec. 1 and 2)

Prop 105 (45 votes) Prop 108 (40 votes) Emergency (40 votes) Fiscal Note

3. Removes the requirement that ADEQ reduce hazardous waste generation and disposal fees by half for those who comply with a pollution prevention plan (Sec. 2)
4. Makes technical and conforming changes. (Sec. 1 and 2)