



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

House: NREW DP 9-0-0-1

HB 2367: solid waste; fees; rules

Sponsor: Representative Griffin, LD 19

House Engrossed

Overview

An emergency measure authorizing the Arizona Department of Environmental Quality (ADEQ) to adopt rules and increase fees for specified solid waste programs.

History

The Arizona Department of Environmental Quality (ADEQ) is responsible for implementation and enforcement of state and federal programs relating to air quality, water quality, solid waste management, hazardous waste disposal and underground storage tank regulation. ADEQ also shares responsibility for federal programs that have been delegated to the state by the U.S. Environmental Protection Agency (EPA) including the Clean Air Act, the Safe Drinking Water Act, the National Pollutant Discharge Elimination System program and the Resource Conservation and Recovery Act program ([Title 49](#)) ([SOS](#)).

ADEQ's responsibilities for solid waste management are delineated in statute. [Laws 2011, Chapter 220](#) prohibited ADEQ from increasing specified solid waste program fees after September 30, 2013, without specific statutory authority, required the rule making process to include public notice and comment, and required review of the proposed rule by JLBC.

The Solid Waste Fee Fund (Fund) consists of fees from solid waste or special waste management programs, landfill registration and disposal fees, fees for coal combustion residuals, quarterly deposits from the Arizona Department of Revenue's waste tire fund, donations, and legislative appropriations. Monies in the Fund are used for solid waste program costs, including waste tire removal expenses, special waste facility staff education, special waste management compliance monitoring, coal combustion residuals program, and used oil handling education and enforcement ([JLBC FY 2025 Baseline Book](#)).

Provisions

1. Authorizes ADEQ to adopt rules and establish fees for solid waste programs relating to:
 - a) sale of new vehicle tires and management of waste tires;
 - b) sale, disposal, collection and recycling facilities that accept lead acid batteries;
 - c) waste program general permits;
 - d) solid waste landfills and facilities;
 - e) medical waste facilities;
 - f) financial assurance requirements;
 - g) facility plan approval;
 - h) solid waste facility self-certification;
 - i) registration fees for handlers of used oil as part of the federal used oil program;
 - j) solid waste landfill disposal fees; and

<input type="checkbox"/> Prop 105 (45 votes) <input type="checkbox"/> Prop 108 (40 votes) <input checked="" type="checkbox"/> Emergency (40 votes) <input type="checkbox"/> Fiscal Note

- k) facilities that generate, transport or receive special waste. (Sec. 1-8, and 11-14)
- 2. Deletes for specified solid waste programs, provisions:
 - a) prohibiting ADEQ from increasing permit fees without specific statutory authorization;
 - b) requiring Joint Legislative Budget Committee review of proposed fees; and
 - c) requiring public notice and comment. (Sec. 2,3 5-8, 10, 11, 14)
- 3. Modifies reporting requirements for used oil fuel transporters, used oil fuel marketers, used oil processors, and re-refiners to require annual reports, rather than quarterly reports to ADEQ. (Sec. 12)
- 4. Removes ADEQ's permanent exemption from rulemaking requirements relating to costs to process special waste management plans. (Sec. 15)
- 5. Specifies fees, generated from programs related to lead acid batteries, recycling, medical waste facilities, financial assurance requirements, and facility plan approval, will be deposited into the Fund. (Sec. 4, 8)
- 6. Makes technical and conforming changes. (Sec. 1-3, 5-14)
- 7. Includes a legislative intent clause. (Sec. 17)
- 8. Contains an emergency clause. (Sec. 18)