



ARIZONA STATE SENATE
Fifty-Sixth Legislature, Second Regular Session

FACT SHEET FOR H.B. 2369

dredge; fill; permits; clean up

Purpose

Conforms the powers and duties of the Director of the Arizona Department of Environmental Quality (ADEQ) to reflect the repeal of the Dredge and Fill Permit Program.

Background

The federal Clean Water Act was created to eliminate discharge of pollutants into navigable waters. Within the federal Clean Water Act, the Army Corps of Engineers (Army) administers the federal Dredge and Fill Permit Program. The federal Dredge and Fill Permit Program regulates, through permits, dredge or fill discharges into waters of the United States (WOTUS) ([EPA](#)). To obtain a permit, the Secretary of the Army must verify there has been notice and a chance for public hearings on the matter and that the dredge or fill activities would not adversely affect the environment or other water supplies ([33 U.S.C. § 1344](#)).

[Laws 2018, Chapter 225](#) allowed the Director of ADEQ to adopt by rule a permit program for the discharge of dredged or fill material into navigable waters for purposes of implementing the federally established Dredge and Fill Permit Program. ADEQ's Dredge and Fill Permit Program contained a conditional repeal of August 1, 2023, unless approved by the U.S. EPA. The ADEQ Dredge and Fill Permit Program was not approved, resulting in the repeal of the program.

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

Provisions

1. Removes the ability for the Director of ADEQ to adopt by rule a permit program for the discharge of dredged or fill material into WOTUS for purposes of implementing the federally established Dredge and Fill Permit Program.
2. Makes technical and conforming changes.
3. Becomes effective on the general effective date.

House Action

NREW	2/6/24	DPA	10-0-0-0
3 rd Read	2/22/24		58-0-1-0-1

Prepared by Senate Research
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 RA/slp