



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
First Regular Session

HB 2580: environmental quality omnibus

Sponsor: Representative Griffin, LD 14
Committee on Natural Resources, Energy & Water

Overview

Repeals and revises statutes for various programs administered by the Arizona Department of Environmental Quality (ADEQ).

History

ADEQ was created in 1986 and administers several programs that regulate air quality, water quality, solid waste, and hazardous waste. The U.S. Environmental Protection Agency (EPA) has delegated regulatory responsibility to ADEQ for some programs that are required under federal environmental laws such as the Clean Air Act, the Safe Drinking Water Act, the Clean Water Act and the Resource Conservation and Recovery Act. This delegation requires enactment of state laws that are at least as stringent as the federal law and adequate state resources to manage the program. Other programs administered by ADEQ are required by state law.

Provisions

Remedial Water Quality Actions

1. Deletes language that:
 - a) Outlined how ADEQ would (until January 1, 1999) handle Section 401 certification applications that needed additional information for the agency to make a certification determination; (Sec. 2)
 - b) Required the ADEQ Director to adopt rules for site boundary adjustment petitions for remedial water quality actions; and (Sec. 4)
 - c) Required, when developing a community involvement plan for each site, ADEQ to participate in scheduling public meetings. (Sec. 5)
2. Replaces the requirement that each community advisory board meet with ADEQ at least quarterly with a requirement that this body meet with ADEQ in response to site activities or a request from a community advisory board member or a city, town, or county in which the site is located. (Sec. 5)

Air Quality

3. Removes the requirement that the ADEQ Director adopt rules that establish procedures and criteria for changing the designations of attainment areas. (Sec. 6)
4. Increases, from 20 to 30 days, the amount of notice that the ADEQ Director must provide before holding a hearing to amend or enact a State Air Pollution Control rule. (Sec. 7)
5. Repeals A.R.S. § 49-426.08, which required ADEQ—in cooperation with the Arizona Department of Health Services, U.S. Environmental Protection Agency and National Academy of Sciences—to research and evaluate the risks that hazardous air pollution posed to public health and submit a research plan to national peer review. (Sec. 9)

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| <input type="checkbox"/> Prop 105 (45 votes) | <input type="checkbox"/> Prop 108 (40 votes) | <input type="checkbox"/> Emergency (40 votes) | <input type="checkbox"/> Fiscal Note |
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Carbon Emissions from Power Plants

6. Deletes the following provisions:
 - a) The requirement that the ADEQ Director transmit a report on actions to develop, adopt and enforce a state plan to regulate carbon dioxide emissions from existing electric generation units (consistent with rules adopted by the EPA under Section 111(d) of the Clean Air Act) until that plan is submitted to the EPA Administrator;
 - b) The requirement that the ADEQ Director transmit this proposed plan to the Joint Legislative Review Committee on State Plans Relating to Carbon Dioxide Emissions from Existing Power Plants for review at least 90 days before submitting it to the EPA;
 - c) The prohibition on the ADEQ Director transmitting the plan to this committee until the EPA Administrator adopted rules under Section 111(d) of the Clean Air Act;
 - d) Allowing the ADEQ Director to submit the state plan to the EPA Administrator once the legislative committee reviews and comments on this plan or fails to do so; and
 - e) The exemption from rulemaking requirements for submitting rules to the Governor's Regulatory Review Council for approval and the requirement that the ADEQ Director notify the legislative committee of any proposed rules. (Sec. 10)
7. Repeals the following sections of statute:
 - a) A.R.S. § 41-1291, which established the Joint Legislative Review Committee on State Plans Relating to Carbon Dioxide Emissions from Existing Power Plants; and
 - b) A.R.S. § 41-1291.01, which required this committee to review a proposed state plan in compliance with the EPA's rules under Section 111(d) of the Clean Air Act, consider certain factors—such as electrical grid security and the impact of new technologies on power generation in Arizona—when reviewing this plan and consider whether it is in the public interest to submit the plan to the EPA Administrator (Sec. 1)

Emissions Inspections of Motor Vehicles

8. Repeals the following sections of statute:
 - a) A.R.S. § 49-542.06, which requires ADEQ to establish and administer a roadside testing program for diesel vehicles with a gross vehicle weight rate of more than 10,000 pounds that operated in Areas A or B and allows ADEQ to contract with an independent contractor to implement this program; and
 - b) A.R.S. § 49-542.07, which sets civil penalties for the drivers of diesel vehicles that fail this test or who do not submit to this test. (Sec. 11)
9. Removes the requirement that any proposed modification or amendment to the contract that ADEQ enters into with an independent contractor for construction, equipment, establishment, maintenance and operation of any official emissions inspection stations is subject to prior review by the Joint Legislative Budget Committee. (Sec. 12)

Solid Waste Management Planning and Assistance

10. Allows, instead of requires, ADEQ to develop criteria in consultation with local governments to distribute funds appropriated to county, city, or town solid waste management agencies if those funds have been appropriated for that purpose. (Sec. 13)

Arizona Recycling Program

11. Deletes the definitions for *consumer of newsprint*, *disposition*, *newsprint*, *paper product*, *recycled-content newsprint*, *recycled paper* and *recycling equipment*. (Sec. 14)
12. Repeals A.R.S. § 49-834, which requires consumers of newsprint to report to ADEQ the amount of recycled-content newsprint they purchased in that fiscal year.

Hazardous Waste Disposal

13. Changes the heading of Title 49, Chapter 5, Article 1 from "Hazardous waste disposal at state sites" to "General provisions." (Sec. 16)
14. Repeals the following sections of statute for hazardous waste disposal: A.R.S. §§ 49-902, 49-903, 49-904 and 49-905. (Sec. 17)
15. Repeals A.R.S. § 41-791.03, which requires the Arizona Department of Administration Director to manage a facility in Maricopa County if it would not be used for hazardous waste disposal. (Sec. 1)
16. Removes the requirement that ADEQ place a copy or abstract of a notice of inadequacy in its annual report for facilities that are required to file a pollution prevention report and that filed an inadequate modified submission or that have not filed a modified submission. (Sec. 20)

Miscellaneous

17. Makes technical and conforming changes. (Sec. 2-4, 6-8, 10, 12, 14, 18, 19, and 20)