



ARIZONA STATE SENATE
Fifty-Fifth Legislature, First Regular Session

FACT SHEET FOR H.B. 2580

environmental quality omnibus

Purpose

Makes various changes to outlined programs, permissions and requirements of the Arizona Department of Environmental Quality (ADEQ).

Background

Among its statutory duties, ADEQ is charged with formulating policies, plans and programs to implement statutes to protect the environment, promoting and coordinating the management of air resources and water quality, encouraging development that maximizes environmental benefits and minimizes the effects of less desirable environmental conditions, and promoting and recommending methods for the recovery, recycling, and reuse of solid wastes ([A.R.S. § 49-104](#)).

The U.S. Environmental Protection Agency (U.S. EPA), under the Clean Air Act, sets National Ambient Air Quality Standards ([40 CFR Part 50](#)) for certain pollutants which are harmful to public health and the environment. Additionally, the Governor designates the status and classification of areas with respect to attainment of national ambient air quality standards. Under current statute, the Director of ADEQ is required to, by administrative rule, establish procedures and criteria for changing the designations of attainment, nonattainment and unclassifiable areas for all pollutants regulated by a national ambient air quality standard ([A.R.S. § 49-405](#)).

In 2015, in response to the 2014 federal Clean Power Plan proposed rule to reduce nationwide carbon emissions by achieving interim goals through 2030, the Legislature established the Joint Legislative Review Committee on State Plans Relating to Carbon Dioxide Emissions from Existing Power Plants (Review Committee) to develop factors that may be considered in reviewing ADEQ's proposed state plan prior to submittal to the U.S. EPA. The Review Committee statutorily terminated on July 1, 2018 ([A.R.S. §§ 41-1291](#) and [41-1291.01](#))

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

Provisions

ADEQ Administration

1. Removes the requirement that the Director of ADEQ adopt rules:
 - a) that establish procedures and criteria for changing the designations of attainment, nonattainment and unclassifiable areas; and
 - b) to implement the statutory petition process for a person to request the Director of ADEQ to adjust the boundaries of a remedial action site to exclude the person's property from the site boundaries.

2. Replaces the requirement that ADEQ develop criteria in consultation with local governments for distributing appropriated funds to local governments with permissive authority for ADEQ to develop the criteria for distribution in consultation with local governments.
3. Requires the community advisory board for each remedial action site to meet in response to site activities or a request from a board member or the local jurisdiction where the site is located, rather than at least four times per year.
4. Removes the requirement that ADEQ place a copy or abstract of a formal notice of inadequacy for a facility's pollution prevention plan in the ADEQ annual report.

Emissions and Air Quality

5. Extends, from 20 days to 30 days, the timeframe after which an air contaminant rule may be enacted or adopted after the Director of ADEQ holds a first public hearing for the proposed rule.
6. Removes the requirement that ADEQ, in cooperation with outlined partners, undertake a comprehensive research program on hazardous air pollutants and publish a report of the program's findings by September 1, 1995.
7. Removes the requirement that a proposed modification or amendment to an emissions inspection agreement with a contractor be reviewed by the Joint Legislative Budget Committee.
8. Removes the authorization for ADEQ to establish and administer a roadside testing program for diesel powered motor vehicles with a gross weight rating of more than 10,000 pounds in nonattainment areas and associated statutory civil penalties.

Recycled Newsprint

9. Repeals the requirements for the use of recycled newsprint under the Arizona Recycling Program.

Hazardous Waste Disposal at State Sites

10. Removes the Director of ADEQ's authorization to acquire, develop and contract for a specified hazardous waste disposal site in Maricopa County and the corresponding trust fund.

Joint Legislative Review Committee on State Plans Relating to Carbon Dioxide Emissions from Existing Power Plants (Review Committee)

11. Repeals the enabling statute for the Review Committee.
12. Removes the requirement that the Director of ADEQ, until submission of a complete state plan, quarterly transmit a report on carbon emissions from existing electric generation units to the Review Committee.
13. Removes the requirement that the Director of ADEQ transmit a proposed state plan to the Review Committee at least 90 days before submitting the state plan.

14. Removes the prohibition on the Director of ADEQ transmitting a state plan to the Review Committee until the Administrator of the U.S. EPA adopts standards of performance for air pollutant emissions from new stationary sources.
15. Removes the exemption from approval by the Governor's Regulatory Review Council for rules proposed by the Director of ADEQ to implement the state plan in compliance with the standards of performance for air pollutant emissions from new stationary sources.
16. Removes the prohibition on the Director of ADEQ submitting a state plan without review and comment by the Review Committee.

Miscellaneous

17. Makes technical and conforming changes.
18. Becomes effective on the general effective date.

House Action

NREW	2/2/21	DP	9-0-0-1
3 rd Read	2/11/21	DP	59-1-0

Prepared by Senate Research
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KN/gs