

REFERENCE TITLE: environmental programs; amendments

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2410

Introduced by
Representative Griffin

AN ACT

AMENDING SECTIONS 49-210 AND 49-245.02, ARIZONA REVISED STATUTES; REPEALING TITLE 49, CHAPTER 2, ARTICLE 8, ARIZONA REVISED STATUTES; REPEALING SECTION 49-457.02, ARIZONA REVISED STATUTES; AMENDING SECTIONS 49-542.04, 49-551.01 AND 49-554, ARIZONA REVISED STATUTES; REPEALING SECTION 49-558.01, ARIZONA REVISED STATUTES; AMENDING SECTION 49-927, ARIZONA REVISED STATUTES; REPEALING LAWS 2001, CHAPTER 371, SECTION 20; AMENDING LAWS 2017, CHAPTER 295, SECTION 3; RELATING TO THE ENVIRONMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 49-210, Arizona Revised Statutes, is amended to
3 read:

4 49-210. Water quality fee fund; appropriation; exemption;
5 monies held in trust

6 A. The water quality fee fund is established consisting of monies
7 appropriated by the legislature and fees received pursuant to sections
8 49-104, 49-203, 49-241, 49-241.02, 49-242, 49-255.01, ~~49-332~~, 49-352,
9 49-353 and 49-361. The director shall administer the fund.

10 B. Monies in the fund are subject to annual legislative
11 appropriation to the department for water quality programs. Monies in the
12 fund are exempt from the provisions of section 35-190 relating to lapsing
13 of appropriations.

14 C. On notice from the director, the state treasurer shall invest
15 and divest monies in the fund as provided by section 35-313, and monies
16 earned from investment shall be credited to the fund.

17 D. Monies in the water quality fee fund shall be used for the
18 following purposes:

19 1. To issue aquifer protection permits pursuant to section 49-241.

20 2. The aquifer protection permit registration fee procedures
21 pursuant to section 49-242.

22 ~~3. Dry well registration fee procedures pursuant to section 49-332.~~

23 ~~4.~~ 3. Technical review fee procedures pursuant to section 49-353.

24 ~~5.~~ 4. Inspection fee procedures pursuant to section 49-104,
25 subsection C.

26 ~~6.~~ 5. To issue permits under the Arizona pollutant discharge
27 elimination system program pursuant to section 49-255.01.

28 ~~7.~~ 6. Operator certification pursuant to sections 49-352 and
29 49-361.

30 ~~8.~~ 7. Paying the cost of implementing section 49-203, subsection A,
31 paragraph 7 and section 49-221, subsection E.

32 ~~9.~~ 8. Water quality monitoring pursuant to section 49-225 and
33 reporting of aquifer pollution information pursuant to section 49-249.

34 ~~10.~~ 9. To implement and administer the underground injection
35 control permit program established pursuant to article 3.3 of this
36 chapter.

37 ~~11.~~ 10. To implement and administer the dredge and fill permit
38 program established pursuant to article 3.2 of this chapter, including
39 review and analysis for issuing jurisdictional determinations.

40 E. Any fee, assessment or other levy that is authorized by law or
41 administrative rule and that is collected and deposited in the water
42 quality fee fund shall be held in trust. The monies in the fund may be
43 used only for the purposes prescribed by statute and shall not be
44 appropriated or transferred by the legislature to fund the general
45 operations of this state or to otherwise meet the obligations of the

1 general fund of this state. This subsection does not apply to any taxes
2 or other levies that are imposed pursuant to title 42 or 43.

3 Sec. 2. Section 49-245.02, Arizona Revised Statutes, is amended to
4 read:

5 49-245.02. General permit for certain discharges associated
6 with man-made bodies of water

7 A. A general permit is issued for the following discharges:

8 1. Disposal in vadose zone injection wells of storm water mixed
9 with reclaimed wastewater or groundwater, or both, from man-made bodies of
10 water associated with golf courses, parks and residential common areas,
11 provided that:

12 (a) The vadose zone injection wells are ~~registered pursuant to~~
13 ~~section 49-332~~ INVENTORIED PURSUANT TO THE UNDERGROUND INJECTION CONTROL
14 PROGRAM UNDER EITHER:

15 (i) STATE RULES APPROVED BY THE UNITED STATES ENVIRONMENTAL
16 PROTECTION AGENCY PURSUANT TO 42 UNITED STATES CODE SECTION 300h.

17 (II) FEDERAL REGULATIONS ADOPTED BY THE UNITED STATES ENVIRONMENTAL
18 PROTECTION AGENCY PURSUANT TO 42 UNITED STATES CODE SECTION 300h.

19 (b) The discharge occurs only in response to storm events.

20 (c) With the exception of the aquifer water quality standard for
21 microbiological contaminants, the reclaimed wastewater meets aquifer water
22 quality standards before being placed into the body of water, as
23 documented by a water quality analysis submitted with the vadose zone
24 injection well registration. The owner or operator of the vadose zone
25 injection wells shall demonstrate continued compliance with this
26 subdivision by submitting to the department the results of any monitoring
27 required as part of an aquifer protection permit or wastewater reuse
28 permit for any facility providing reclaimed wastewater to the man-made
29 body of water. For purposes of this general permit, monitoring shall be
30 conducted at least semiannually. The monitoring results shall be
31 submitted to the department semiannually beginning six months after
32 ~~registration~~ THE INVENTORY made pursuant to subdivision (a) of this
33 paragraph.

34 (d) The vadose zone injection wells shall be located at least one
35 hundred feet from any water supply well.

36 (e) A vertical separation of forty feet shall be provided between
37 the bottom of the vadose zone injection wells and the water table to allow
38 the aquifer water quality standard for microbiological contaminants to be
39 met in the uppermost aquifer.

40 (f) The vadose zone injection wells are not used for any other
41 purpose.

42 2. Subsurface discharges from man-made bodies of water associated
43 with golf courses, parks and residential common areas, provided that:

44 (a) The body of water contains only groundwater, storm water or
45 reclaimed wastewater, or a combination thereof.

1 (b) The reclaimed wastewater complies with the terms of a
2 wastewater reuse permit before being placed into the body of water.

3 (c) The body of water is lined and maintained to achieve a
4 hydraulic conductivity of 10⁻⁷ cm/sec or less.

5 3. Point source discharges to protected surface waters from
6 man-made bodies of water associated with golf courses, parks and
7 residential common areas that contain only groundwater, storm water or
8 reclaimed wastewater, or a combination thereof, provided that:

9 (a) The discharges are subject to a valid national pollutant
10 discharge elimination system permit or an Arizona pollutant discharge
11 elimination system permit under article 3.1 of this chapter.

12 (b) The discharges occur only in response to storm events.

13 (c) With the exception of the aquifer water quality standard for
14 microbiological contaminants, the reclaimed wastewater meets aquifer water
15 quality standards before being placed into the body of water.

16 B. If the director determines that discharges from a facility
17 covered by this general permit are causing a violation of aquifer water
18 quality standards, the director may revoke the general permit of the
19 facility or may require that an individual permit be obtained pursuant to
20 section 49-243. If the director determines that discharges from a
21 facility covered by this general permit may cause, with reasonable
22 probability, a violation of aquifer water quality standards, the director
23 may require the facility to obtain an individual permit pursuant to
24 section 49-243.

25 Sec. 3. Repeal

26 A. Title 49, chapter 2, article 8, Arizona Revised Statutes, is
27 repealed.

28 B. Section 49-457.02, Arizona Revised Statutes, is repealed.

29 Sec. 4. Section 49-542.04, Arizona Revised Statutes, is amended to
30 read:

31 49-542.04. Off-road vehicle and engine standards

32 A. The department ~~shall~~ MAY adopt rules for air pollution emission
33 standards for off-road vehicles and engines marketed in the state
34 beginning with the 1999 model year.

35 B. The standards may include the following categories:

36 1. Heavy-duty diesel vehicles rated at 175-750 horsepower.

37 2. Small utility and lawn and garden equipment engines rated at
38 less than twenty-five horsepower.

39 3. Recreational vehicles rated at less than twenty-five horsepower.

40 4. Specialty engines and go-carts rated at greater than twenty-five
41 horsepower.

42 5. Off-road motorcycles and all terrain vehicles.

43 C. In a county with a population of more than one million two
44 hundred thousand persons ~~according to the most recent United States~~

1 ~~decennial census~~, the department ~~shall~~ MAY adopt rules for air pollution
2 emission standards for golf cart engines.

3 Sec. 5. Section 49-551.01, Arizona Revised Statutes, is amended to
4 read:

5 49-551.01. Diesel vehicle low emissions incentive grants;
6 criteria

7 A. The department may award incentive grants from the air quality
8 fund established by section 49-551 for diesel vehicles:

9 1. To operate on alternative fuel or clean burning fuel ~~as defined~~
10 ~~in section 1-215~~.

11 2. To operate on ultra low sulfur diesel fuel ~~as defined in section~~
12 ~~49-558.01~~ that is used in an engine with an emission control device.

13 3. Powered by an engine that meets or exceeds an emissions standard
14 for diesel particulate matter of 0.05 grams per brake horsepower hour.

15 B. A vehicle that is awarded an incentive grant pursuant to this
16 section shall meet the following criteria:

17 1. The vehicle has a gross vehicle weight rating of at least
18 seventeen thousand five hundred pounds.

19 2. The vehicle is not a recreational vehicle as defined in section
20 28-3102.

21 3. The vehicle is registered in this state and the incentive grant
22 recipient signs a statement, under penalty of perjury, that it is the
23 recipient's intent that the vehicle will be registered in this state for
24 at least three years ~~from~~ AFTER the date the vehicle is awarded an
25 incentive grant pursuant to this section and that the recipient intends to
26 operate the vehicle more than fifty ~~percent~~ PERCENT of the time in area A
27 or area B.

28 4. The vehicle is subject to the financial responsibility
29 requirements prescribed in section 28-4032, subsection A.

30 C. An incentive grant awarded pursuant to this section shall
31 provide for real and quantifiable emissions reductions. Engine retrofit
32 or conversions may meet the requirements of subsection A of this section
33 if they have been approved for use by any one of the following:

34 1. The United States environmental protection agency voluntary
35 retrofit program.

36 2. The United States environmental protection agency verification
37 protocol for retrofit catalyst particulate filter and engine modification
38 control technologies for highway and nonroad use diesel engines.

39 3. The California air resources board diesel emission control
40 strategy verification procedure.

41 4. Sections 43100 and 43102 of the health and safety code of the
42 state of California.

43 5. Actual emission testing performed on the vehicle.

44 D. Notwithstanding subsection B, paragraph 4 of this section, the
45 director may award incentive grants for school buses and municipal

1 vehicles that otherwise meet the requirements of subsection B of this
2 section.

3 Sec. 6. Section 49-554, Arizona Revised Statutes, is amended to
4 read:

5 49-554. Technical assistance review

6 A. The department of environmental quality, with the assistance of
7 ~~the governor's energy office and~~ state universities, ~~shall~~ MAY develop a
8 program to:

9 1. Expedite testing and certification of technological developments
10 related to improving air quality through a reduction in vehicle emissions.

11 2. Develop incentives to encourage development and innovation of
12 technologies that improve air quality through a reduction in vehicle
13 emissions.

14 3. Establish a board with technical expertise to assist developers
15 of promising technologies with the emission certification processes of the
16 California air resources board and the United States environmental
17 protection agency. The board shall:

18 (a) Perform an initial evaluation of the technology, including a
19 review of existing test data.

20 (b) Develop procedures to apply those technologies in this state
21 that have been certified by the California air resources board, the United
22 States environmental protection agency or this state.

23 (c) Recommend a program of incentives to encourage private entities
24 to use technologies that have been reviewed and approved by the board.

25 (d) Recommend legislation requiring the use of approved
26 technologies by the state and political subdivisions.

27 (e) Recommend a credit trading and banking program to encourage
28 innovative solutions to the reduction of emissions from all sources.

29 B. The department may enter into intergovernmental agreements and
30 memorandums of understanding to accomplish the purposes of this section.

31 Sec. 7. Repeal

32 Section 49-558.01, Arizona Revised Statutes, is repealed.

33 Sec. 8. Section 49-927, Arizona Revised Statutes, is amended to
34 read:

35 49-927. Hazardous waste management fund

36 A. ~~A~~ THE hazardous waste management fund is established to be
37 administered by the department. The fund consists of monies appropriated
38 by the legislature, monies collected pursuant to section 49-931 and monies
39 collected as fees for issuing permits under section 49-922, subsection B,
40 paragraph 5. Monies in the fund are subject to legislative appropriation
41 and are exempt from section 35-190 relating to lapsing of appropriations.
42 On notice from the director, the state treasurer shall invest and divest
43 monies in the fund as provided by section 35-313, and monies earned from
44 investment shall be credited to the fund.

1 B. Monies in the hazardous waste management fund shall be used for
2 the following purposes:

3 1. Informing, educating and training the general public, treatment,
4 storage and disposal facility operators, hazardous waste handlers and
5 others.

6 2. Supporting statewide hazardous waste planning and program
7 development activities.

8 3. Processing, issuing and maintaining permits for treatment,
9 storage or disposal facilities.

10 4. Compliance monitoring, investigation and enforcement activities
11 pertaining to generating, transporting, treating, storing and disposing of
12 hazardous waste under this article.

13 5. Funding the pollution prevention technical assistance program
14 established pursuant to section 49-965 and providing matching funds under
15 section 6605 of the pollution prevention act of 1990 (P.L. 101-508).

16 6. ~~Administration of~~ ADMINISTERING the pollution prevention program
17 pursuant to article 4 of this chapter.

18 ~~7. Reimbursement of appropriations received for fiscal year~~
19 ~~1991-1992 to the state general fund as provided by law.~~

20 ~~8. Remediating properties that have been reported to the state~~
21 ~~board of technical registration before August 6, 2016 if there is evidence~~
22 ~~that the property owner did not comply with state law for removal of the~~
23 ~~gross contamination on the property.~~

24 C. Ten percent of the monies in the fund shall be transmitted to
25 the emergency response fund established by section 49-132 to be used for
26 staffing local emergency planning committees and equipping local fire
27 departments, fire districts and public safety agencies for the development
28 of hazardous materials emergency response teams.

29 Sec. 9. Repeal

30 Laws 2001, chapter 371, section 20 is repealed.

31 Sec. 10. Laws 2017, chapter 295, section 3 is amended to read:

32 Sec. 3. Conditional enactment; notice

33 A. Section 3-3493, Arizona Revised Statutes, as amended by ~~this act~~
34 LAWS 2017, CHAPTER 295, SECTION 2, does not become effective unless on or
35 before July 1, ~~2022~~ 2024 the United States environmental protection agency
36 approves the proposed modifications to the gasoline fuel formulation
37 requirements as part of the state implementation plan for air quality.

38 B. The director of the department of environmental quality shall
39 notify in writing the director of the Arizona legislative council on or
40 before October 1, ~~2022~~ 2024 either:

41 1. Of the date on which the condition was met.

42 2. That the condition was not met.

1 Sec. 11. Department of environmental quality; real property
2 ownership conveyance; department of
3 administration; exemption

4 A. Notwithstanding any other law, on the effective date of this
5 act, clear title to the following one square mile of real property is
6 conveyed from the department of environmental quality to the department of
7 administration:

8 Section 32, township 4 South, range 1 West, Gila and
9 Salt River base and meridian, Maricopa county, Arizona.

10 B. The department of environmental quality and the department of
11 administration shall execute documents and take other actions reasonably
12 necessary to complete the conveyance of ownership of the real property.

13 C. Title 37, chapter 4, Arizona Revised Statutes, relating to
14 acquisition of real property, does not apply to the conveyance prescribed
15 by this section.

16 Sec. 12. Retroactivity

17 Laws 2017, chapter 295, section 3, as amended by this act applies
18 retroactively to from and after June 29, 2022.