

department of environmental quality; programs

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

CHAPTER 209

HOUSE BILL 2986

AN ACT

AMENDING SECTIONS 9-511.03, 44-1322, 49-353, 49-501, 49-802, 49-832 AND 49-836, ARIZONA REVISED STATUTES; REPEALING SECTION 49-837, ARIZONA REVISED STATUTES; AMENDING SECTION 49-881, ARIZONA REVISED STATUTES; AMENDING LAWS 2021, CHAPTER 27, SECTION 9, AS AMENDED BY LAWS 2023, CHAPTER 78, SECTION 1; AMENDING LAWS 2017, CHAPTER 295, SECTION 3, AS AMENDED BY LAWS 2022, CHAPTER 177, SECTION 12 AND LAWS 2024, CHAPTER 70, SECTION 1; APPROPRIATING MONIES; RELATING TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 9-511.03, Arizona Revised Statutes, is amended
3 to read:
4 9-511.03. Outside waste or garbage collection, landfill
5 services or recycling collection or processing
6 services; requirements; exceptions
7 A. If a city or town provides waste or garbage collection services,
8 landfill services or recycling collection or processing services outside
9 of its boundaries, for those services the city or town shall:
10 1. Keep all records of the services separate from all other city or
11 town municipal records.
12 2. For land and equipment dedicated to providing services outside
13 of its boundaries and for any net income generated from providing services
14 outside its boundaries, make an in-lieu contribution to all state, city,
15 town, county and other taxing districts equal to the taxes that would be
16 required of private companies performing the same service.
17 3. For the portion of equipment or land used by a city or town to
18 provide services outside its boundaries, make an in-lieu contribution to
19 all state, city, town, county and other taxing districts equal to the
20 taxes that would be required of private companies performing the same
21 services, including any income tax obligation that would be incurred by a
22 private company for services provided by the city or town outside of the
23 city or town.
24 4. Pay an in-lieu contribution to the ~~recycling~~ SOLID WASTE FEE
25 fund established by section ~~49-837~~ 49-881 equal to the federal taxes that
26 would be required of private companies performing the same service.
27 5. Pay all fees and costs that are applicable to private companies,
28 including landfill fees.
29 6. Ensure that no city or town taxes, fees or revenues are used to
30 subsidize those services outside the city or town.
31 B. This section does not restrict the ability of a city or town to
32 enter into mutual aid or intergovernmental agreements with other cities or
33 towns to respond to requests for emergency assistance.
34 C. This section does not apply to a city or town if all of the
35 following apply:
36 1. The city or town provides waste or garbage collection services,
37 landfill services or recycling collection or processing services outside
38 its boundaries in an unincorporated territory that is within three miles
39 of its boundaries and within its municipal planning area as designated in
40 the land use map of the municipality's general plan.
41 2. The city or town does not provide waste or garbage collection
42 services, landfill services or recycling collection or processing services
43 in an incorporated area other than its own.

1 3. The city or town is located in a county with a population
2 exceeding two million persons or the city or town has a population of less
3 than two thousand five hundred persons and allows private enterprise to
4 provide commercial and residential waste or garbage collection services,
5 landfill services or recycling collection or processing services in the
6 city or town.

7 D. For a city or town that has entered into a contract or mutual
8 aid, reciprocal assistance or intergovernmental agreement with another
9 entity before January 1, 2015 for landfill services or recycling
10 collection or processing services outside of its boundaries, this section
11 does not apply until the contract or mutual aid, reciprocal assistance or
12 intergovernmental agreement expires or terminates on January 1, 2020,
13 whichever is earlier.

14 E. This section does not apply to the disposal of noncommercial
15 solid waste from a single-family residence brought to a municipal landfill
16 by a private person who resides outside of the municipal boundaries.

17 F. This section does not apply to a city or town with a population
18 of less than five thousand persons and that only provides landfill
19 services or recycling collection or processing services outside of its
20 boundaries.

21 Sec. 2. Section 44-1322, Arizona Revised Statutes, is amended to
22 read:

23 44-1322. Disposal of lead acid batteries

24 A. The disposal of lead acid batteries in landfills and the
25 incineration of those batteries is prohibited.

26 B. An owner or operator of a solid waste disposal facility shall
27 not knowingly accept a lead acid battery for disposal.

28 C. A lead acid battery shall be discarded or disposed of only as
29 follows:

30 1. A lead acid battery retailer or wholesaler may deliver a lead
31 acid battery to any one of the following:

32 (a) A permitted secondary lead smelter.

33 (b) A battery manufacturer.

34 (c) A collection or recycling facility ~~authorized by the federal~~
35 ~~environmental protection agency or the department of environmental~~
36 ~~quality.~~

37 (d) In the case of battery retailers only, an agent of a battery
38 wholesaler.

39 2. A person other than a lead acid battery retailer or wholesaler
40 may deliver a lead acid battery to any one of the following:

41 (a) A lead acid battery retailer or wholesaler.

42 (b) A permitted secondary lead smelter.

43 (c) A collection or recycling facility ~~authorized by the federal~~
44 ~~environmental protection agency or the department of environmental~~
45 ~~quality.~~

1 D. The director of the department of environmental quality shall
2 register ~~collection and~~ recycling facilities that accept lead acid
3 batteries. ~~The director shall require collection and recycling facilities~~
4 ~~that handle lead acid batteries to pay an initial registration fee and~~
5 ~~annual fee established by rule. The director shall deposit, pursuant to~~
6 ~~sections 35-146 and 35-147, registration fees in the solid waste fee fund~~
7 ~~established by section 49-881.~~

8 Sec. 3. Section 49-353, Arizona Revised Statutes, is amended to
9 read:

10 49-353. Duties of director; rules; prohibited lead use

11 A. The director shall:

12 1. Exercise general supervision over all matters related to water
13 quality control of public water systems throughout this state.

14 2. Prescribe rules regarding the production, treatment,
15 distribution and testing of potable water by public water systems, except
16 that such rules shall not apply to irrigation, industrial or similar
17 systems where the water is used for nonpotable purposes. The rules shall
18 comply with at least the following:

19 (a) The requirements established by the United States environmental
20 protection agency for state primary enforcement responsibility of the safe
21 drinking water act, including the requirements of 40 Code of Federal
22 Regulations parts 141 and 142.

23 (b) Require that the plans and specifications for all public water
24 systems, including water treatment plants, distribution systems,
25 distribution system extensions, water treatment methods and devices and
26 all appurtenances and devices for sale to be used in water supplies and
27 public water systems be submitted with a fee for review to the
28 department. The department, in establishing fees authorized by this
29 section, shall comply with title 41, chapter 6. The department shall not
30 set a fee at more than the department's cost of providing the service for
31 which the fee is charged. State agencies are exempt from all fees imposed
32 pursuant to this section. Monies collected from the fees shall be
33 deposited in the water quality fee fund established by section 49-210. The
34 director may require that plans and specifications for public water
35 systems include programs to meet future needs for drinking water and to
36 supply specified minimum quantities of drinking water. The director
37 shall:

38 (i) Require that a new public water system demonstrate that the
39 system possesses adequate managerial and financial capacity to operate in
40 compliance with this article and the rules adopted pursuant to this
41 article.

42 (ii) Accept adequate findings of other public authorities regarding
43 the adequate managerial and financial capacity of a public water system to
44 operate in compliance with this article and the rules adopted pursuant to
45 this article.

1 (c) Provide that no public water system, including a water
2 treatment plant, distribution system, distribution system extension, water
3 treatment method or device, appurtenance and device used in water supplies
4 or public water systems be constructed, reconstructed, installed or
5 initiated before compliance with the standards and rules has been
6 demonstrated by approval of the plans and specifications by the
7 department. The rules shall prescribe minimum standards for the
8 bacteriological, physical and chemical quality of water distributed
9 through public water systems. The director of environmental quality may
10 consult with the director of the department of health services in
11 developing these standards.

12 (d) Provide for a simplified administrative procedure for approving
13 structural revisions, additions, extensions or modifications to existing
14 small public water systems for potable water serving a population of three
15 thousand three hundred or fewer persons.

16 (e) Exempt from the plan review requirements of this paragraph,
17 including any requirements for approval to construct or approval of
18 construction, any structural revisions, additions, extensions or
19 modifications to public water systems ~~which THAT~~ are in compliance with
20 the department's rules applicable to those systems or ~~which THAT~~ are
21 making satisfactory progress towards compliance under a schedule approved
22 by the department if ~~either ANY~~ of the following conditions ~~is~~ ARE
23 satisfied:

24 (i) The revision, addition, extension or modification has a project
25 cost of ~~twelve thousand five hundred dollars~~ \$12,500 or less.

26 (ii) The revision, addition, extension or modification is made to a
27 water line ~~which THAT~~ is not for a subdivision requiring plat approval by
28 a city, town or county, and has a project cost of more than ~~twelve~~
29 ~~thousand five hundred dollars~~ \$12,500 but less than ~~fifty thousand dollars~~
30 \$50,000, the design of which is sealed by a professional engineer
31 registered in this state and the construction of which is reviewed for
32 conformance with the design by a professional engineer.

33 (iii) THE REVISION OR MODIFICATION IS TO THE TYPE, MATERIAL,
34 LOCATION OR ALIGNMENT OF A WATER LINE, VALVE OR APPURTENANCE AND THE WATER
35 LINE, VALVE OR APPURTENANCE AFTER THE REVISION OR MODIFICATION HAS THE
36 SAME CAPACITY, FUNCTION AND PERFORMANCE AND IS IN THE SAME RIGHT-OF-WAY OR
37 EASEMENT AS THE WATER LINE, VALVE OR APPURTENANCE BEFORE THE REVISION OR
38 MODIFICATION.

39 (f) Require a notice of compliance with the conditions for
40 exemption on the completion of any revisions, additions, extensions or
41 modifications completed in accordance with subdivision (e) of this
42 paragraph.

43 (g) Provide for the submission of samples at stated intervals.

44 (h) Provide for inspection and certification of such water
45 supplies.

1 (i) Provide for the abatement as public nuisances of any premises,
2 equipment, process or device, or public water system that does not comply
3 with the minimum standards and rules.

4 (j) Provide for records regarding water quality to be kept by
5 owners and operators of the public water systems and that reports
6 regarding water quality be filed with the department.

7 (k) Provide for appropriate actions to be taken if a water supply
8 does not meet the standards established by the department.

9 (l) Require a public water system to implement a specified program
10 to control contamination from backflow, backsiphonage or cross connection.
11 All such programs shall be consistent with section 37-1388.

12 (m) Require that public water systems identify and provide notice
13 to persons that may be affected by lead contamination of their drinking
14 water where such contamination results from either or both of the
15 following:

16 (i) The lead content in the construction materials of the public
17 water distribution system.

18 (ii) Corrosivity of the water supply sufficient to cause leaching
19 of lead.

20 (n) Provide for relief from water testing and monitoring
21 requirements for public water systems qualifying under the federal safe
22 drinking water act (P.L. 93-523; 88 Stat. ~~1661~~ 1660; P.L. 95-190; 91 Stat.
23 1393; P.L. 104-182; 110 Stat. 1613), as amended in 1996.

24 3. Develop and implement strategies to assist public water systems
25 in acquiring and maintaining the technical, managerial and financial
26 capacity to operate in compliance with this article and the rules adopted
27 pursuant to this article. Assistance may be provided based on the needs
28 of the water system.

29 B. Pipes, pipe fittings and plumbing fittings and fixtures having a
30 lead content in excess of a weighted average of one-quarter of one percent
31 lead when used with respect to the wetted surfaces and solders and flux
32 having a lead content in excess of two-tenths of one percent shall not be
33 used in the installation or repair of public water systems or of any
34 plumbing in residential or nonresidential facilities providing water for
35 human consumption. The weighted average lead content of a pipe, pipe
36 fitting or plumbing fitting or fixture shall be calculated as follows:

37 1. For each wetted component, the percentage of lead in the
38 component shall be multiplied by the ratio of the wetted surface area of
39 that component to the total wetted surface area of the entire product to
40 arrive at the weighted percentage of lead of the component.

41 2. The weighted percentage of lead of each wetted component shall
42 be added together, and the sum of these weighted percentages shall
43 constitute the weighted average lead content of the product.

44 3. The lead content of the material used to produce a wetted
45 component shall be used to determine compliance with this subsection.

1 4. For lead content of materials that are provided as a range, the
2 maximum content of that range shall be used.

3 C. Subsection B of this section does not apply to:

4 1. Leaded joints necessary for the repair of cast iron pipes.

5 2. Pipes, pipe fittings and plumbing fittings and fixtures,
6 including backflow preventers, that are used exclusively for nonpotable
7 water services such as manufacturing, industrial processing, irrigation,
8 outdoor watering or any other uses where the water is not anticipated to
9 be used for human consumption.

10 3. Toilets, bidets, urinals, fill valves, flushometer valves, tub
11 fillers, shower valves or service saddles or water distribution main gate
12 valves that are two inches in diameter or larger.

13 D. Notwithstanding subsection A, paragraph 2, subdivision (c) of
14 this section, a public water system may construct, reconstruct, install,
15 extend or initiate a water supply system, water treatment plant,
16 distribution system, water treatment method or device, or appurtenance
17 that is used in water supply or in a public water system when the system
18 is out of compliance with standards and rules adopted pursuant to this
19 article only if the construction is necessary to correct the system's
20 noncompliance.

21 E. This section and the rules adopted pursuant to this section
22 apply to public water systems as described by section 49-352,
23 subsection B.

24 Sec. 4. Section 49-501, Arizona Revised Statutes, is amended to
25 read:

26 49-501. Unlawful open burning; exceptions; civil penalty;
27 definition

28 A. Notwithstanding the provisions of any other section of this
29 article:

30 1. It is unlawful for any person to ignite, cause to be ignited,
31 permit to be ignited, or suffer, allow, or maintain any open outdoor fire
32 except as provided in this section.

33 2. From May 1 through September 30 each year, it is unlawful for
34 any person to ignite, cause to be ignited, permit to be ignited or suffer,
35 allow or maintain any open outdoor fire in area A as defined in section
36 49-541.

37 B. The following fires are excepted from this section:

38 1. Fires used only for cooking ~~of~~ food, ~~or for~~ providing warmth for
39 human beings or ~~the~~ branding ~~of~~ animals or ~~the use of~~ USING orchard
40 heaters for the purpose of frost protection in farming or nursery
41 operations.

42 2. Any fire set or permitted by any public officer in the
43 performance of official duty, if such fire is set or permission given for
44 the purpose of weed abatement, the prevention of a fire hazard, or
45 instruction in the methods of fighting fires.

1 3. Fires set by or permitted by the director of the department of
2 agriculture or county agricultural agents of the county for the purpose of
3 disease and pest prevention.

4 4. Fires set by or permitted by the federal government or any of
5 its departments, agencies or agents or the state or any of its agencies,
6 departments or political subdivisions for the purpose of watershed
7 rehabilitation or control through vegetative manipulation.

8 5. Fires permitted by any rule or regulation issued pursuant to
9 this article, by any conditional permit issued by a hearing board
10 established under this article or by any rule or conditional permit issued
11 pursuant to article 2 of this chapter when the department of environmental
12 quality pursuant to section 49-402 has assumed jurisdiction of the county
13 in which the fire is located.

14 6. Fires set for the disposal of dangerous materials where there is
15 no safe alternate method of disposal.

16 C. Permission for the setting of any fire given by a public officer
17 in the performance of official duty under subsection B, paragraph 2, 3 or
18 4 of this section shall be given in writing and a copy of the written
19 permission shall be transmitted immediately to the director of
20 environmental quality and the control officer of the county, district or
21 region in which such fire is allowed. The setting of any such fire shall
22 be conducted in a manner and at such time as approved by the control
23 officer or the director of environmental quality, unless doing so would
24 defeat the purpose of the exemption.

25 D. Notwithstanding section 49-107, **IF THE DEPARTMENT ASSUMES**
26 **JURISDICTION OVER OPEN BURNING IN A COUNTY PURSUANT TO SECTION 49-402**, the
27 director may delegate authority for the issuance of open burning permits
28 to a county, city, town or fire district. A county, city, town or fire
29 district that has been delegated authority for the issuance of open
30 burning permits may assign the issuance of these permits to a private fire
31 protection service provider that performs fire protection services within
32 that county, city, town or fire district. Any private fire protection
33 service provider that is authorized to issue open burning permits pursuant
34 to this subsection shall maintain a copy of all currently effective
35 permits issued, including a means of contacting the person authorized by
36 the permit to set the fire in the event that an order to extinguish the
37 open burning is issued. Permits issued pursuant to this subsection shall
38 contain both of the following:

39 1. Conditions that limit the manner and time of setting the fire
40 and that are consistent with this section and rules adopted pursuant to
41 this section.

42 2. A provision that all burning be extinguished at the discretion
43 of the director or the director's authorized representative during periods
44 of inadequate atmospheric smoke dispersion, periods of excessive
45 visibility impairment that could adversely affect public safety or periods

1 when smoke is blown into populated areas so as to create a public
2 nuisance.

3 E. The director may issue a general permit to allow persons engaged
4 in farming or ranching on forty acres or more in an unincorporated area to
5 burn household waste, as defined in section 49-701, that is generated on
6 site, if no household waste collection and disposal service is available.
7 The general permit shall include the following:

8 1. Conditions governing the method, manner and times for burning.

9 2. Limitation on materials ~~which~~ THAT may be burned, including a
10 prohibition on burning of materials ~~which~~ THAT generate noxious fumes.

11 3. A requirement that any person seeking coverage under the general
12 permit shall register with the director on a form prescribed by the
13 director. ~~upon~~ ON receipt of a registration form, the director shall
14 notify the county in which the farm or ranch is located of such
15 registration.

16 4. A statement that the director, a local air pollution control
17 officer, or any other public officer may order the extinguishment of
18 burning or may prohibit burning during periods of inadequate smoke
19 dispersion or excessive visibility impairment or at other times when
20 public health or safety could be adversely affected.

21 F. ~~Nothing in~~ This section ~~is intended to~~ DOES NOT permit any
22 practice ~~which~~ THAT is a violation of any statute, ordinance, rule or
23 regulation in a county with a population in excess of one million two
24 hundred thousand persons. Notwithstanding any other law, such a county
25 shall prohibit by ordinance the use of wood burning chimineas, outdoor
26 fire pits and similar outdoor fires on those days for which the county has
27 issued a no burn day restriction.

28 G. A person who violates ~~any provision of~~ this section may be
29 served a notice of violation and be subject to the enforcement provisions
30 of this article to the same extent as a person violating any rule or
31 regulation adopted pursuant to this article, except that:

32 1. A violation that lasts ~~no~~ NOT more than twenty-four hours and
33 that is the first violation committed by that person is subject to a civil
34 penalty of ~~no~~ NOT more than ~~five hundred dollars~~ \$500.

35 2. A VIOLATION THAT IS SUBJECT TO THE DEPARTMENT'S JURISDICTION
36 PURSUANT TO SECTION 49-402 IS SUBJECT TO ENFORCEMENT AS PROVIDED IN
37 ARTICLE 2 OF THIS CHAPTER.

38 H. For the purposes of this section, "open outdoor fire" means any
39 combustion of combustible material of any type outdoors, in the open where
40 the products of combustion are not directed through a flue. For the
41 purposes of this subsection, "flue" means any duct or passage for air,
42 gases or the like, such as a stack or chimney.

1 Sec. 5. Section 49-802, Arizona Revised Statutes, is amended to
2 read:

3 49-802. Federal used oil program; incorporation by reference;
4 rulemaking

5 A. The department shall administer A USED OIL PROGRAM. THE PROGRAM
6 SHALL BE NOT MORE STRINGENT THAN 42 United States Code section 6935, ~~as~~
7 ~~amended on January 1, 1997, as the used oil program for this state. For~~
8 ~~that purpose, AND~~ 40 Code of Federal Regulations part 279. ~~, as amended on~~
9 ~~January 1, 1997, 40 CODE OF FEDERAL REGULATION PART 279~~ is adopted by
10 reference. For purposes of this program, the United States, the
11 environmental protection agency and the administrator shall be applied to
12 mean this state, the department and the director, respectively.

13 B. The department may adopt rules for the administration of the
14 federal program. Rules adopted pursuant to this subsection shall not be
15 more stringent than or conflict with 40 Code of Federal Regulations
16 part 279. The department shall require an annual registration fee
17 established by rule for handlers of used oil that are required to obtain a
18 United States environmental protection agency identification number
19 pursuant to 40 Code of Federal Regulations part 279. The department shall
20 deposit, pursuant to sections 35-146 and 35-147, fees in the solid waste
21 fee fund established by section 49-881.

22 C. The following requirements apply in addition to 40 Code of
23 Federal Regulations part 279:

24 1. A used oil collection center, as defined in 40 Code of Federal
25 Regulations part 279, shall register with the department by obtaining an
26 identification number from the department. A request for an
27 identification number shall include:

- 28 (a) The company name.
- 29 (b) The name of the owner of the company.
- 30 (c) The mailing address and telephone number of the company.
- 31 (d) The location of the collection center.
- 32 (e) A description of the type of used oil activity at the company.

33 2. A person who sends used oil fuel to a person who burns the used
34 oil fuel for energy recovery shall certify to the burner that the used oil
35 fuel has been analyzed or otherwise tested for compliance with the used
36 oil specifications in 40 Code of Federal Regulations part 279.

37 3. Each used oil fuel transporter, used oil fuel marketer and used
38 oil processor and re-refiner, as defined in 40 Code of Federal Regulations
39 part 279, shall submit to the department a written report annually. The
40 report shall be submitted within thirty days after the end of the calendar
41 year to which the report applies, and it shall contain a copy of the
42 tracking information required to be kept pursuant to 40 Code of Federal
43 Regulations part 279 or a summary of such tracking information on a
44 reporting form supplied by the department.

1 4. Each person who burns used oil fuel in devices identified in 40
2 Code of Federal Regulations section 279.61(a)(1) through (3) shall submit
3 to the department a written annual report. The report shall be submitted
4 to the department by February 1 for the previous calendar year and shall
5 contain the following information:

- 6 (a) The name, address and telephone number of the person reporting.
7 (b) The name, address and telephone number of the burner facility.
8 (c) The United States environmental protection agency
9 identification number of the burner facility.
10 (d) The total volume of on-specification used oil burned.
11 (e) The period being reported.
12 (f) The total volume of self-generated used oil burned on site.
13 (g) The total volume of used oil fuel burned.
14 (h) A summary of the tracking information required to be kept
15 pursuant to 40 Code of Federal Regulations part 279.

16 5. Used oil fuel marketers and used oil fuel burners shall label
17 all tanks that store on-specification used oil with the words
18 "on-specification used oil". The department may sample and test used oil
19 or used oil fuel to determine its properties or characteristics as
20 prescribed in this article and rules adopted pursuant to this article.

21 6. A household "do-it-yourselfer" used oil generator, as defined
22 under 40 Code of Federal Regulations part 279, shall send its used oil to
23 a "do-it-yourselfer" collection station, a household hazardous waste
24 collection center, a used oil collection center, a used oil fuel marketer
25 or a used oil processor or refiner.

26 D. In administering this section or in adopting or administering
27 rules pursuant to this section, the department shall maintain the level of
28 discretion that is permitted pursuant to applicable federal rules.

29 E. Any client names or related identifying data required to be
30 submitted to the department pursuant to this section are confidential.

31 Sec. 6. Section 49-832, Arizona Revised Statutes, is amended to
32 read:

33 49-832. Administration and enforcement by department of
34 environmental quality; powers and duties

35 A. The department ~~of environmental quality~~ shall administer and
36 oversee the enforcement of this article.

37 B. In addition to its other powers and duties, the department
38 shall:

- 39 1. Prepare, update and oversee implementation of the Arizona
40 recycling program consistent with the goals of this article.
41 2. Designate an Arizona recycling coordinator to oversee the
42 program.
43 3. Serve as the agency of this state for the receipt of monies from
44 the federal government or other public or private institutions.

1 4. Cooperate with appropriate federal, state, interstate and local
2 units of government and with appropriate private organizations in carrying
3 out its duties under this article.

4 5. Initiate, conduct and support research, demonstration projects
5 and investigations and monitor all agency research programs in this state
6 pertaining to recycling and source reduction.

7 6. Administer and distribute monies in the ~~recycling~~ SOLID WASTE
8 FEE fund ESTABLISHED BY SECTION 49-881 for public education programs on
9 recycling and source reduction that the department believes will provide
10 technical assistance for recycling and source reduction, for research and
11 for other purposes consistent with this article.

12 7. Administer and distribute monies in the ~~recycling~~ SOLID WASTE
13 FEE fund ESTABLISHED BY SECTION 49-881 THAT ARE designated for the award
14 of grants established under this article.

15 8. Adopt rules pursuant to title 41, chapter 6 to implement,
16 administer and enforce ~~the provisions of~~ this article.

17 9. Encourage the use of private industry through contracts for some
18 or all of the requirements of the Arizona recycling program and other
19 activities as may be considered necessary.

20 10. Monitor municipalities and counties for compliance with sections
21 9-500.07 and 11-269 concerning an opportunity to engage in recycling and
22 waste reduction.

23 C. The department of environmental quality, in consultation with
24 the department of health services regarding matters of public health
25 significance, shall do both of the following:

26 1. Initiate, conduct and support research, demonstration projects
27 and investigations and coordinate all state agency research programs
28 pertaining to municipal and county solid waste management systems.

29 2. Spend monies for studies and research with respect to the
30 provisions and goals of this article and the rules adopted under it.

31 Sec. 7. Section 49-836, Arizona Revised Statutes, is amended to
32 read:

33 49-836. Solid waste landfill disposal fees

34 A. Each operator of a solid waste landfill or facility shall make
35 the fee payments required by this section as determined by the
36 department. Monies from fees shall be deposited in the ~~recycling fund~~
37 ~~established by section 49-837 and the~~ solid waste fee fund established by
38 section 49-881. Fees shall be calculated and paid as follows until the
39 effective dates of rules adopted pursuant to subsection G of this section:

40 1. A disposal fee of \$.25 for each six cubic yards of uncompacted
41 solid waste, \$.25 for each three cubic yards of compacted solid waste or
42 \$.25 per ton of solid waste received at landfills regulated by the
43 department. ~~From and after June 30, 2005, all \$.25 collected in disposal~~
44 ~~fees shall be deposited in the recycling fund.~~

1 2. A solid waste landfill that receives only waste generated ~~on~~
2 ~~site~~ ON-SITE shall compute the fee by using one of the following methods:

3 (a) By actual volume or weight.

4 (b) By estimate based on landfill capacity use, volume or number of
5 waste loads or any other reasonable means for approximating the volume or
6 weight of disposed waste.

7 3. Facilities that generate waste from recycling solid waste,
8 effluent from a secondary wastewater treatment plant or wastewaters shall
9 pay one-half of the fee calculated pursuant to paragraph 1 of this
10 subsection. The maximum annual amount paid by a facility for on-site
11 disposal of waste generated from recycling shall not exceed \$15,000. The
12 fee for these facilities may be computed based on the dry or dewatered
13 weight or volume of the waste generated from recycling.

14 B. Each fee payment shall be accompanied by a form prepared and
15 furnished by the department and completed by the operator. The form shall
16 state the total volume or weight of solid waste disposed of at that
17 landfill during the payment period and shall provide any other information
18 deemed necessary by the department. The form shall be signed by the
19 operator.

20 C. A person who for a fee disposes of waste in a solid waste
21 landfill that is not regulated by the department shall keep accurate
22 records of the waste disposed of in those landfills and shall remit a fee
23 to the department at the same rate and in the same manner as provided in
24 subsection A of this section or rules adopted pursuant to subsection G of
25 this section.

26 D. For solid waste landfills that are operated pursuant to section
27 49-741 and that do not have on-site operators or scales, the fee shall be
28 based on a formula that multiplies the population of the political
29 subdivisions served by the landfill by \$.07. ~~From and after June 30,~~
30 ~~2005, all fees shall be deposited in the recycling fund.~~ The fee shall be
31 paid in the same manner as provided in subsection A of this section or
32 rules adopted pursuant to subsection G of this section.

33 E. This section or any rules adopted pursuant to subsection G of
34 this section do not apply to:

35 1. Persons disposing of a load containing less than six cubic yards
36 of uncompacted solid waste or three cubic yards of compacted solid waste.

37 2. A site used solely for the reclamation of land through the
38 introduction of landscaping rubble or inert material.

39 3. Material produced in connection with a mining or metallurgical
40 operation.

41 F. Solid waste management service companies and agencies affected
42 by the landfill disposal fees established by this section may adjust the
43 fees charged to customers by passing through to the customers the
44 additional costs.

1 G. The department shall establish by rule the solid waste landfill
2 disposal fees.

3 Sec. 8. Repeal; transfer of monies

4 A. Section 49-837, Arizona Revised Statutes, is repealed.

5 B. All unexpended and unencumbered monies remaining in the
6 recycling fund established by section 49-837, Arizona Revised Statutes, as
7 repealed by subsection A of this section, are transferred to the solid
8 waste fee fund established by section 49-881, Arizona Revised Statutes, as
9 amended by this act, on the effective date of this section.

10 Sec. 9. Section 49-881, Arizona Revised Statutes, is amended to
11 read:

12 49-881. Solid waste fee fund; uses; exemption

13 A. The solid waste fee fund is established. The director shall
14 administer the fund. The fund consists of legislative appropriations,
15 donations, gifts, grants, **IN LIEU CONTRIBUTIONS PURSUANT TO SECTION**
16 **9-511.03**, registration fees collected pursuant to sections 44-1303 and
17 44-1304.01, waste tire administrative monies distributed pursuant to
18 section 44-1305, subsection B, paragraph 1, ~~lead acid battery collection~~
19 ~~and recycling fees collected pursuant to section 44-1322~~, licensure fees
20 collected pursuant to section 49-104, subsection B, paragraph 14,
21 subdivision (b), solid waste general permit fees collected pursuant to
22 section 49-706, solid waste landfill registration fees from section
23 49-747, licensure fees collected pursuant to section 49-761, subsection D,
24 paragraphs 2 and 3 and subsections H, J and M, solid waste fees collected
25 pursuant to section 49-762.03, subsection F, **USED OIL HANDLER FEES**
26 **COLLECTED PURSUANT TO** section 49-802, subsection B, special waste
27 management plan fees collected pursuant to section 49-857, special waste
28 management fees collected pursuant to section 49-863, private consultants
29 expedited plan review fees collected pursuant to section 49-762.03,
30 subsection G, self-certification filing fees collected pursuant to section
31 49-762.05, subsection H, solid waste landfill disposal fees collected
32 pursuant to section 49-836, special waste fees collected pursuant to
33 section 49-855, ~~subsection C, paragraph 2~~ and coal combustion residuals
34 permit processing fees and annual fees collected pursuant to section
35 49-891.

36 B. Monies in the fund are subject to legislative appropriation for
37 solid waste control programs established in the funding sources pursuant
38 to subsection A of this section, ~~and~~ as determined by the director. **AND**
39 **FOR THE FOLLOWING PURPOSES:**

40 1. **GRANTS TO OR CONTRACTS WITH POLITICAL SUBDIVISIONS, NONPROFIT**
41 **ORGANIZATIONS OR PRIVATE ENTERPRISE FOR RESEARCH, DEMONSTRATION PROJECTS,**
42 **NEW TECHNOLOGIES, MARKET DEVELOPMENT AND SOURCE REDUCTION STUDIES AND**
43 **IMPLEMENTATION OF THE RECOMMENDATIONS OR REPORTS PREPARED PURSUANT TO**
44 **ARTICLE 8 OF THIS CHAPTER.**

1 2. PUBLIC INFORMATION, PUBLIC EDUCATION AND TECHNICAL ASSISTANCE
2 PROGRAMS CONCERNING LITTER CONTROL, RECYCLING AND SOURCE REDUCTION. IN
3 MAKING EXPENDITURES PURSUANT TO THIS PARAGRAPH, THE DIRECTOR SHALL ENSURE
4 THAT COUNTIES WITH A POPULATION OF LESS THAN FIVE HUNDRED THOUSAND PERSONS
5 RECEIVE BENEFITS IN PROPORTION TO THEIR CONTRIBUTIONS TO THE FUND.

6 3. THE COLLECTION AND ADMINISTRATION OF MONIES IN THE FUND.

7 4. THE ADMINISTRATION OF ARTICLE 8 OF THIS CHAPTER.

8 5. THE ADMINISTRATION OF THE ARIZONA COMMERCE AUTHORITY'S RECYCLED
9 MARKET DEVELOPMENT PROGRAM. AT THE END OF EACH FISCAL YEAR, ANY MONIES NOT
10 SPENT BY THE ARIZONA COMMERCE AUTHORITY FOR THIS PURPOSE REVERT TO THE
11 SOLID WASTE FEE FUND.

12 6. THE DEPARTMENT'S SOLID WASTE CONTROL PROGRAM ACTIVITIES
13 PRESCRIBED IN THIS CHAPTER AND TITLE 44.

14 C. On notice from the director, the state treasurer shall invest
15 and divest monies in the fund as provided in section 35-313, and monies
16 earned from investment shall be credited to the fund. Monies deposited in
17 the fund are exempt from the provisions of section 35-190 relating to
18 lapsing of appropriations.

19 D. THE DIRECTOR SHALL APPOINT AN ADVISORY COMMITTEE TO ADVISE THE
20 DIRECTOR ON THE USE OF MONIES IN THE FUND FOR RECYCLING GRANTS, RECYCLING
21 EDUCATION AND TECHNICAL ASSISTANCE IN MANAGING OR ESTABLISHING RECYCLING
22 PROGRAMS. THE ADVISORY COMMITTEE SHALL CONSIST OF TWO REPRESENTATIVES FROM
23 PRIVATE SOLID WASTE COLLECTION BUSINESSES, TWO REPRESENTATIVES FROM
24 PRIVATE SOLID WASTE RECYCLING BUSINESSES, FOUR REPRESENTATIVES FROM
25 POLITICAL SUBDIVISIONS THAT HAVE IMPLEMENTED RECYCLING AND SOURCE
26 REDUCTION PROGRAMS, AT LEAST ONE OF WHOM RESIDES IN A COUNTY WITH A
27 POPULATION OF LESS THAN FIVE HUNDRED THOUSAND PERSONS AND ONE
28 REPRESENTATIVE OF THE GENERAL PUBLIC. THE MEMBERS OF THE COMMITTEE SERVE
29 AT THE PLEASURE OF THE DIRECTOR AND ARE NOT ELIGIBLE TO RECEIVE
30 COMPENSATION.

31 Sec. 10. Laws 2021, chapter 27, section 9, as amended by Laws 2023,
32 chapter 78, section 1, is amended to read:

33 Sec. 9. Conditional enactment

34 A. Section 49-542, Arizona Revised Statutes, as amended by Laws
35 2021, chapter 27, section 3, and section 49-542.03, Arizona Revised
36 Statutes, as amended by Laws 2021, chapter 27, section 4, do not become
37 effective unless on or before July 1, ~~2027~~ 2029 the United States
38 environmental protection agency approves the proposed modifications to the
39 vehicle emissions testing program protocols as part of the state
40 implementation plan for air quality.

41 B. The director of the department of environmental quality shall
42 notify in writing the director of the Arizona legislative council on or
43 before September 1, ~~2027~~ 2029 either:

- 44 1. Of the date on which the condition was met.
- 45 2. That the condition was not met.

1 Sec. 11. Laws 2017, chapter 295, section 3, as amended by Laws
2 2022, chapter 177, section 12 and Laws 2024, chapter 70, section 1, is
3 amended to read:

4 Sec. 3. Conditional enactment; notice

5 A. Section 3-3493, Arizona Revised Statutes, as amended by Laws
6 2017, chapter 295, section 2, does not become effective unless on or
7 before July 1, ~~2027~~ 2029 the United States environmental protection agency
8 approves the proposed modifications to the gasoline fuel formulation
9 requirements as part of the state implementation plan for air quality.

10 B. The director of the department of environmental quality shall
11 notify in writing the director of the Arizona legislative council on or
12 before October 1, ~~2027~~ 2029 either:

- 13 1. Of the date on which the condition was met.
- 14 2. That the condition was not met.

APPROVED BY THE GOVERNOR JUNE 19, 2026.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 22, 2026.