



Bill Number: H.B. 2986

Shope ADD COW Floor Amendment

Reference to: House engrossed bill

Amendment drafted by: Leg. Council

FLOOR AMENDMENT EXPLANATION

1. Requires a city or town that provides waste or garbage collection services, landfill services or recycling collection or processing services outside of its boundaries to pay an in-lieu contribution to the Solid Waste Fee Fund, rather than the recycling fund, equal to the federal taxes that would be required of private companies performing the same service.
2. Requires the Arizona Department of Environmental Quality (ADEQ) to administer and distribute monies in the Solid Waste Fee Fund, rather than the Recycling Fund, that are for public education programs on recycling and source reduction and that are designated for the award of Arizona Recycling Program grants.
3. Requires monies from solid waste landfill disposal fees to be deposited in Solid Waste Fee Fund, rather than the Recycling Fund.
4. Repeals the Recycling Fund and transfers all unexpended and unencumbered monies remaining in the Recycling Fund to the Solid Waste Fee Fund on the general effective date.
5. Adds, to the list of monies of which the Solid Waste Fee Fund may consist, in-lieu contributions and solid waste landfill disposal fees.
6. Allows monies in the Solid Waste Fee Fund to be used for:
 - a) grants to, or contracts with, political subdivisions, nonprofit organizations or private enterprise for research, demonstration projects, new technologies, market development and source reduction studies and implementation of the recommendations or reports relating to the Arizona Recycling Program;
 - b) public information, public education and technical assistance programs concerning litter control, recycling and source reduction;
 - c) the collection and administration of monies in the Solid Waste Fee Fund;
 - d) the administration of the Arizona Recycling Program;
 - e) the administration of the Arizona Commerce Authority's (ACA's) Recycled Market Development Program; and
 - f) ADEQ's Solid Waste Control Program activities.
7. Requires the Director of ADEQ, when making expenditures for public information, public education and technical assistance programs concerning litter control, recycling and source reduction, to ensure that counties with a population of fewer than 500,000 persons receive benefits in proportion to their contributions to the Solid Waste Fee Fund.

Amendment explanation prepared by Sawyer Bessler

06/09/2026

8. Reverts, at the end of each fiscal year, any monies not spent by the ACA for the administration of the ACA's Recycled Market Development Program to the Solid Waste Fee Fund.
9. Requires the Director of ADEQ to appoint an advisory committee to advise the Director on the use of monies in the Solid Waste Fee Fund for recycling grants, recycling education and technical assistance in managing or establishing recycling programs.
10. Requires the advisory committee to consist of:
 - a) two representatives from private solid waste collection businesses;
 - b) two representatives from private solid waste recycling businesses;
 - c) four representatives from political subdivisions that have implemented recycling and source reduction programs, at least one of whom resides in a county with a population of fewer than 500,000 persons; and
 - d) one representative of the general public.
11. Specifies that the advisory committee members serve at the pleasure of the Director of ADEQ and are not eligible to receive compensation.
12. Adds, to the list of conditions that exempt any structural revisions, additions, extensions or modifications to a public water system from the statutorily prescribed plan review requirements, that the revision or modification is to the type, material, location or alignment of a water line, valve or appurtenance and the water line, valve or appurtenance after the revision or modification has the same capacity, function and performance and is in the same right-of-way or easement as the water line, valve or appurtenance before the revision or modification.
13. Makes technical and conforming changes.

ADDITIONAL COW
SHOPE FLOOR AMENDMENT
SENATE AMENDMENTS TO H.B. 2986
(Reference to House engrossed bill)

Amendment instruction key:
[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.
[Green underlining in brackets] indicates text added to new session law or text restoring existing law.
[GREEN STRIKEOUT IN BRACKETS] indicates new text removed from statute or previously enacted session law.
[Green strikeout in brackets] indicates text removed from existing statute, previously enacted session law or new session law.
<<Green carets>> indicate a section added to the bill.
<<Green strikeout in carets>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

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
26 that 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.

1 6. Ensure that no city or town taxes, fees or revenues are used to
2 subsidize those services outside the city or town.

3 B. This section does not restrict the ability of a city or town to
4 enter into mutual aid or intergovernmental agreements with other cities or
5 towns to respond to requests for emergency assistance.

6 C. This section does not apply to a city or town if all of the
7 following apply:

8 1. The city or town provides waste or garbage collection services,
9 landfill services or recycling collection or processing services outside
10 its boundaries in an unincorporated territory that is within three miles
11 of its boundaries and within its municipal planning area as designated in
12 the land use map of the municipality's general plan.

13 2. The city or town does not provide waste or garbage collection
14 services, landfill services or recycling collection or processing services
15 in an incorporated area other than its own.

16 3. The city or town is located in a county with a population
17 exceeding two million persons or the city or town has a population of less
18 than two thousand five hundred persons and allows private enterprise to
19 provide commercial and residential waste or garbage collection services,
20 landfill services or recycling collection or processing services in the
21 city or town.

22 D. For a city or town that has entered into a contract or mutual
23 aid, reciprocal assistance or intergovernmental agreement with another
24 entity before January 1, 2015 for landfill services or recycling
25 collection or processing services outside of its boundaries, this section
26 does not apply until the contract or mutual aid, reciprocal assistance or
27 intergovernmental agreement expires or terminates or January 1, 2020,
28 whichever is earlier.

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

32 F. This section does not apply to a city or town with a population
33 of less than five thousand persons and that only provides landfill
34 services or recycling collection or processing services outside of its
35 boundaries.>>

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

38 44-1322. Disposal of lead acid batteries

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

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

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

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

47 (a) A permitted secondary lead smelter.

1 (b) A battery manufacturer.

2 (c) A collection or recycling facility ~~authorized by the federal~~
3 ~~environmental protection agency or the department of environmental~~
4 ~~quality.~~

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

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

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

10 (b) A permitted secondary lead smelter.

11 (c) A collection or recycling facility ~~authorized by the federal~~
12 ~~environmental protection agency or the department of environmental~~
13 ~~quality.~~

14 D. The director of the department of environmental quality shall
15 register ~~collection and~~ recycling facilities that accept lead acid
16 batteries. ~~The director shall require collection and recycling facilities~~
17 ~~that handle lead acid batteries to pay an initial registration fee and~~
18 ~~annual fee established by rule. The director shall deposit, pursuant to~~
19 ~~sections 35-146 and 35-147, registration fees in the solid waste fee fund~~
20 ~~established by section 49-881.~~

21 <<Sec. 3. Section 49-353, Arizona Revised Statutes, is amended to
22 read:

23 49-353. Duties of director; rules; prohibited lead use

24 A. The director shall:

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

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

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

36 (b) Require that the plans and specifications for all public water
37 systems, including water treatment plants, distribution systems,
38 distribution system extensions, water treatment methods and devices and
39 all appurtenances and devices for sale to be used in water supplies and
40 public water systems be submitted with a fee for review to the
41 department. The department, in establishing fees authorized by this
42 section, shall comply with title 41, chapter 6. The department shall not
43 set a fee at more than the department's cost of providing the service for
44 which the fee is charged. State agencies are exempt from all fees imposed
45 pursuant to this section. Monies collected from the fees shall be
46 deposited in the water quality fee fund established by section 49-210.
47 The director may require that plans and specifications for public water

1 systems include programs to meet future needs for drinking water and to
2 supply specified minimum quantities of drinking water. The director
3 shall:

4 (i) Require that a new public water system demonstrate that the
5 system possesses adequate managerial and financial capacity to operate in
6 compliance with this article and the rules adopted pursuant to this
7 article.

8 (ii) Accept adequate findings of other public authorities regarding
9 the adequate managerial and financial capacity of a public water system to
10 operate in compliance with this article and the rules adopted pursuant to
11 this article.

12 (c) Provide that no public water system, including a water
13 treatment plant, distribution system, distribution system extension, water
14 treatment method or device, appurtenance and device used in water supplies
15 or public water systems be constructed, reconstructed, installed or
16 initiated before compliance with the standards and rules has been
17 demonstrated by approval of the plans and specifications by the
18 department. The rules shall prescribe minimum standards for the
19 bacteriological, physical and chemical quality of water distributed
20 through public water systems. The director of environmental quality may
21 consult with the director of the department of health services in
22 developing these standards.

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

27 (e) Exempt from the plan review requirements of this paragraph,
28 including any requirements for approval to construct or approval of
29 construction, any structural revisions, additions, extensions or
30 modifications to public water systems ~~[which] [THAT]~~ are in compliance
31 with the department's rules applicable to those systems or ~~[which] [THAT]~~
32 are making satisfactory progress towards compliance under a schedule
33 approved by the department if ~~[either] [ANY]~~ of the following conditions
34 ~~[is] [ARE]~~ satisfied:

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

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

44 [(iii) THE REVISION OR MODIFICATION IS TO THE TYPE, MATERIAL,
45 LOCATION OR ALIGNMENT OF A WATER LINE, VALVE OR APPURTENANCE AND THE WATER
46 LINE, VALVE OR APPURTENANCE AFTER THE REVISION OR MODIFICATION HAS THE
47 SAME CAPACITY, FUNCTION AND PERFORMANCE AND IS IN THE SAME RIGHT-OF-WAY OR

1 EASEMENT AS THE WATER LINE, VALVE OR APPURTENANCE BEFORE THE REVISION OR
2 MODIFICATION.]

3 (f) Require a notice of compliance with the conditions for
4 exemption on the completion of any revisions, additions, extensions or
5 modifications completed in accordance with subdivision (e) of this
6 paragraph.

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

8 (h) Provide for inspection and certification of such water
9 supplies.

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

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

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

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

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

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

27 (ii) Corrosivity of the water supply sufficient to cause leaching
28 of lead.

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

33 3. Develop and implement strategies to assist public water systems
34 in acquiring and maintaining the technical, managerial and financial
35 capacity to operate in compliance with this article and the rules adopted
36 pursuant to this article. Assistance may be provided based on the needs
37 of the water system.

38 B. Pipes, pipe fittings and plumbing fittings and fixtures having a
39 lead content in excess of a weighted average of one-quarter of one percent
40 lead when used with respect to the wetted surfaces and solders and flux
41 having a lead content in excess of two-tenths of one percent shall not be
42 used in the installation or repair of public water systems or of any
43 plumbing in residential or nonresidential facilities providing water for
44 human consumption. The weighted average lead content of a pipe, pipe
45 fitting or plumbing fitting or fixture shall be calculated as follows:

46 1. For each wetted component, the percentage of lead in the
47 component shall be multiplied by the ratio of the wetted surface area of

1 that component to the total wetted surface area of the entire product to
2 arrive at the weighted percentage of lead of the component.

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

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

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

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

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

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

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

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

28 E. This section and the rules adopted pursuant to this section
29 apply to public water systems as described by section 49-352,
30 subsection B.>>

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

33 49-501. Unlawful open burning; exceptions; civil penalty;
34 definition

35 A. Notwithstanding the provisions of any other section of this
36 article:

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

40 2. From May 1 through September 30 each year, it is unlawful for
41 any person to ignite, cause to be ignited, permit to be ignited or suffer,
42 allow or maintain any open outdoor fire in area A as defined in section
43 49-541.

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

45 1. Fires used only for cooking ~~of~~ food, ~~or for~~ providing warmth for
46 human beings or ~~the~~ branding ~~of~~ animals or ~~the use of~~ USING orchard

1 heaters for the purpose of frost protection in farming or nursery
2 operations.

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

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

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

14 5. Fires permitted by any rule or regulation issued pursuant to
15 this article, by any conditional permit issued by a hearing board
16 established under this article or by any rule or conditional permit issued
17 pursuant to article 2 of this chapter when the department of environmental
18 quality pursuant to section 49-402 has assumed jurisdiction of the county
19 in which the fire is located.

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

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

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

45 1. Conditions that limit the manner and time of setting the fire
46 and that are consistent with this section and rules adopted pursuant to
47 this section.

1 2. A provision that all burning be extinguished at the discretion
2 of the director or the director's authorized representative during periods
3 of inadequate atmospheric smoke dispersion, periods of excessive
4 visibility impairment that could adversely affect public safety or periods
5 when smoke is blown into populated areas so as to create a public
6 nuisance.

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

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

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

15 3. A requirement that any person seeking coverage under the general
16 permit shall register with the director on a form prescribed by the
17 director. ~~Upon~~ ON receipt of a registration form, the director shall
18 notify the county in which the farm or ranch is located of such
19 registration.

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

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

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

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

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

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

1 to the department by February 1 for the previous calendar year and shall
2 contain the following information:

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

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

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

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

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

28 <<Sec. 6. Section 49-832, Arizona Revised Statutes, is amended to
29 read:

30 49-832. Administration and enforcement by department of
31 environmental quality; powers and duties

32 A. The department [~~of environmental quality~~] shall administer and
33 oversee the enforcement of this article.

34 B. In addition to its other powers and duties, the department
35 shall:

36 1. Prepare, update and oversee implementation of the Arizona
37 recycling program consistent with the goals of this article.

38 2. Designate an Arizona recycling coordinator to oversee the
39 program.

40 3. Serve as the agency of this state for the receipt of monies from
41 the federal government or other public or private institutions.

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

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

1 6. Administer and distribute monies in the ~~[recycling]~~ [SOLID WASTE
2 FEE] fund [ESTABLISHED BY SECTION 49-881] for public education programs on
3 recycling and source reduction that the department believes will provide
4 technical assistance for recycling and source reduction, for research and
5 for other purposes consistent with this article.

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

9 8. Adopt rules pursuant to title 41, chapter 6 to implement,
10 administer and enforce ~~[the provisions of]~~ this article.

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

14 10. Monitor municipalities and counties for compliance with sections
15 9-500.07 and 11-269 concerning an opportunity to engage in recycling and
16 waste reduction.

17 C. The department of environmental quality, in consultation with
18 the department of health services regarding matters of public health
19 significance, shall do both of the following:

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

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

25 <<Sec. 7. Section 49-836, Arizona Revised Statutes, is amended to
26 read:

27 49-836. Solid waste landfill disposal fees

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

35 1. A disposal fee of \$.25 for each six cubic yards of uncompacted
36 solid waste, \$.25 for each three cubic yards of compacted solid waste or
37 \$.25 per ton of solid waste received at landfills regulated by the
38 department. ~~From and after June 30, 2005, all \$.25 collected in disposal~~
39 ~~fees shall be deposited in the recycling fund.~~

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

43 (a) By actual volume or weight.

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

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

8 B. Each fee payment shall be accompanied by a form prepared and
9 furnished by the department and completed by the operator. The form shall
10 state the total volume or weight of solid waste disposed of at that
11 landfill during the payment period and shall provide any other information
12 deemed necessary by the department. The form shall be signed by the
13 operator.

14 C. A person who for a fee disposes of waste in a solid waste
15 landfill that is not regulated by the department shall keep accurate
16 records of the waste disposed of in those landfills and shall remit a fee
17 to the department at the same rate and in the same manner as provided in
18 subsection A of this section or rules adopted pursuant to subsection G of
19 this section.

20 D. For solid waste landfills that are operated pursuant to section
21 49-741 and that do not have on-site operators or scales, the fee shall be
22 based on a formula that multiplies the population of the political
23 subdivisions served by the landfill by \$.07. ~~From and after June 30,~~
24 ~~2005, all fees shall be deposited in the recycling fund.~~ The fee shall be
25 paid in the same manner as provided in subsection A of this section or
26 rules adopted pursuant to subsection G of this section.

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

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

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

33 3. Material produced in connection with a mining or metallurgical
34 operation.

35 F. Solid waste management service companies and agencies affected
36 by the landfill disposal fees established by this section may adjust the
37 fees charged to customers by passing through to the customers the
38 additional costs.

39 G. The department shall establish by rule the solid waste landfill
40 disposal fees.

41 <<Sec. 8. Repeal; transfer of monies

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

43 B. All unexpended and unencumbered monies remaining in the
44 recycling fund established by section 49-837, Arizona Revised Statutes, as
45 repealed by subsection A of this section, are transferred to the solid
46 waste fee fund established by section 49-881, Arizona Revised Statutes, as
47 amended by this act, on the effective date of this section.]>>

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

3 49-881. Solid waste fee fund; uses; exemption

4 A. The solid waste fee fund is established. The director shall
5 administer the fund. The fund consists of legislative appropriations,
6 donations, gifts, grants, [IN LIEU CONTRIBUTIONS PURSUANT TO SECTION
7 9-511.03.] registration fees collected pursuant to sections 44-1303 and
8 44-1304.01, waste tire administrative monies distributed pursuant to
9 section 44-1305, subsection B, paragraph 1, ~~lead acid battery collection~~
10 ~~and recycling fees collected pursuant to section 44-1322,~~ licensure fees
11 collected pursuant to section 49-104, subsection B, paragraph 14,
12 subdivision (b), solid waste general permit fees collected pursuant to
13 section 49-706, solid waste landfill registration fees from section
14 49-747, licensure fees collected pursuant to section 49-761, subsection D,
15 paragraphs 2 and 3 and subsections H, J and M, solid waste fees collected
16 pursuant to section 49-762.03, subsection F, USED OIL HANDLER FEES
17 COLLECTED PURSUANT TO section 49-802, subsection B, special waste
18 management plan fees collected pursuant to section 49-857, special waste
19 management fees collected pursuant to section 49-863, private consultants
20 expedited plan review fees collected pursuant to section 49-762.03,
21 subsection G, self-certification filing fees collected pursuant to section
22 49-762.05, subsection H, [solid waste landfill disposal fees collected
23 pursuant to section 49-836.] special waste fees collected pursuant to
24 section 49-855, ~~subsection C, paragraph 2~~ and coal combustion residuals
25 permit processing fees and annual fees collected pursuant to section
26 49-891.

27 B. Monies in the fund are subject to legislative appropriation for
28 solid waste control programs established in the funding sources pursuant
29 to subsection A of this section[.] ~~[and]~~ as determined by the director[.]
30 [AND FOR THE FOLLOWING PURPOSES:]

31 1. GRANTS TO OR CONTRACTS WITH POLITICAL SUBDIVISIONS, NONPROFIT
32 ORGANIZATIONS OR PRIVATE ENTERPRISE FOR RESEARCH, DEMONSTRATION PROJECTS,
33 NEW TECHNOLOGIES, MARKET DEVELOPMENT AND SOURCE REDUCTION STUDIES AND
34 IMPLEMENTATION OF THE RECOMMENDATIONS OR REPORTS PREPARED PURSUANT TO
35 ARTICLE 8 OF THIS CHAPTER.

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

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

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

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

1 6. THE DEPARTMENT'S SOLID WASTE CONTROL PROGRAM ACTIVITIES
2 PRESCRIBED IN THIS CHAPTER AND TITLE 44.]

3 C. On notice from the director, the state treasurer shall invest
4 and divest monies in the fund as provided in section 35-313, and monies
5 earned from investment shall be credited to the fund. Monies deposited in
6 the fund are exempt from the provisions of section 35-190 relating to
7 lapsing of appropriations.

8 [D. THE DIRECTOR SHALL APPOINT AN ADVISORY COMMITTEE TO ADVISE THE
9 DIRECTOR ON THE USE OF MONIES IN THE FUND FOR RECYCLING GRANTS, RECYCLING
10 EDUCATION AND TECHNICAL ASSISTANCE IN MANAGING OR ESTABLISHING RECYCLING
11 PROGRAMS. THE ADVISORY COMMITTEE SHALL CONSIST OF TWO REPRESENTATIVES
12 FROM PRIVATE SOLID WASTE COLLECTION BUSINESSES, TWO REPRESENTATIVES FROM
13 PRIVATE SOLID WASTE RECYCLING BUSINESSES, FOUR REPRESENTATIVES FROM
14 POLITICAL SUBDIVISIONS THAT HAVE IMPLEMENTED RECYCLING AND SOURCE
15 REDUCTION PROGRAMS, AT LEAST ONE OF WHOM RESIDES IN A COUNTY WITH A
16 POPULATION OF LESS THAN FIVE HUNDRED THOUSAND PERSONS AND ONE
17 REPRESENTATIVE OF THE GENERAL PUBLIC. THE MEMBERS OF THE COMMITTEE SERVE
18 AT THE PLEASURE OF THE DIRECTOR AND ARE NOT ELIGIBLE TO RECEIVE
19 COMPENSATION.]

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

22 Sec. 9. Conditional enactment

23 A. Section 49-542, Arizona Revised Statutes, as amended by Laws
24 2021, chapter 27, section 3, and section 49-542.03, Arizona Revised
25 Statutes, as amended by Laws 2021, chapter 27, section 4, do not become
26 effective unless on or before July 1, ~~2027~~ 2029 the United States
27 environmental protection agency approves the proposed modifications to the
28 vehicle emissions testing program protocols as part of the state
29 implementation plan for air quality.

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

- 33 1. Of the date on which the condition was met.
- 34 2. That the condition was not met.

35 Sec. 11. Laws 2017, chapter 295, section 3, as amended by Laws
36 2022, chapter 177, section 12 and Laws 2024, chapter 70, section 1, is
37 amended to read:

38 Sec. 3. Conditional enactment; notice

39 A. Section 3-3493, Arizona Revised Statutes, as amended by Laws
40 2017, chapter 295, section 2, does not become effective unless on or
41 before July 1, ~~2027~~ 2029 the United States environmental protection agency
42 approves the proposed modifications to the gasoline fuel formulation
43 requirements as part of the state implementation plan for air quality.

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

- 47 1. Of the date on which the condition was met.

1 2. That the condition was not met.

2 Enroll and engross to conform

3 Amend title to conform

THOMAS "T.J." SHOPE

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