

House Engrossed

department of environmental quality; programs

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

# HOUSE BILL 2986

AN ACT

AMENDING SECTIONS 44-1322, 49-501, 49-802, 49-836 AND 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; 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 44-1322, Arizona Revised Statutes, is amended to  
3 read:

4 44-1322. Disposal of lead acid batteries

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

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

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

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

13 (a) A permitted secondary lead smelter.

14 (b) A battery manufacturer.

15 (c) A collection or recycling facility ~~authorized by the federal~~  
16 ~~environmental protection agency or the department of environmental~~  
17 ~~quality.~~

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

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

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

23 (b) A permitted secondary lead smelter.

24 (c) A collection or recycling facility ~~authorized by the federal~~  
25 ~~environmental protection agency or the department of environmental~~  
26 ~~quality.~~

27 D. The director of the department of environmental quality shall  
28 register ~~collection and~~ recycling facilities that accept lead acid  
29 batteries. ~~The director shall require collection and recycling facilities~~  
30 ~~that handle lead acid batteries to pay an initial registration fee and~~  
31 ~~annual fee established by rule. The director shall deposit, pursuant to~~  
32 ~~sections 35-146 and 35-147, registration fees in the solid waste fee fund~~  
33 ~~established by section 49-881.~~

34 Sec. 2. Section 49-501, Arizona Revised Statutes, is amended to  
35 read:

36 49-501. Unlawful open burning; exceptions; civil penalty;  
37 definition

38 A. Notwithstanding the provisions of any other section of this  
39 article:

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

1           2. From May 1 through September 30 each year, it is unlawful for  
2 any person to ignite, cause to be ignited, permit to be ignited or suffer,  
3 allow or maintain any open outdoor fire in area A as defined in section  
4 49-541.

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

6           1. Fires used only for cooking ~~of~~ food, ~~or for~~ providing warmth for  
7 human beings or ~~the~~ branding ~~of~~ animals or ~~the use of~~ USING orchard  
8 heaters for the purpose of frost protection in farming or nursery  
9 operations.

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

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

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

21          5. Fires permitted by any rule or regulation issued pursuant to  
22 this article, by any conditional permit issued by a hearing board  
23 established under this article or by any rule or conditional permit issued  
24 pursuant to article 2 of this chapter when the department of environmental  
25 quality pursuant to section 49-402 has assumed jurisdiction of the county  
26 in which the fire is located.

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

29          C. Permission for the setting of any fire given by a public officer  
30 in the performance of official duty under subsection B, paragraph 2, 3 or  
31 4 of this section shall be given in writing and a copy of the written  
32 permission shall be transmitted immediately to the director of  
33 environmental quality and the control officer of the county, district or  
34 region in which such fire is allowed. The setting of any such fire shall  
35 be conducted in a manner and at such time as approved by the control  
36 officer or the director of environmental quality, unless doing so would  
37 defeat the purpose of the exemption.

38          D. Notwithstanding section 49-107, **IF THE DEPARTMENT ASSUMES**  
39 **JURISDICTION OVER OPEN BURNING IN A COUNTY PURSUANT TO SECTION 49-402**, the  
40 director may delegate authority for the issuance of open burning permits  
41 to a county, city, town or fire district. A county, city, town or fire  
42 district that has been delegated authority for the issuance of open  
43 burning permits may assign the issuance of these permits to a private fire  
44 protection service provider that performs fire protection services within  
45 that county, city, town or fire district. Any private fire protection

1 service provider that is authorized to issue open burning permits pursuant  
2 to this subsection shall maintain a copy of all currently effective  
3 permits issued, including a means of contacting the person authorized by  
4 the permit to set the fire in the event that an order to extinguish the  
5 open burning is issued. Permits issued pursuant to this subsection shall  
6 contain both of the following:

7 1. Conditions that limit the manner and time of setting the fire  
8 and that are consistent with this section and rules adopted pursuant to  
9 this section.

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

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

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

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

24 3. A requirement that any person seeking coverage under the general  
25 permit shall register with the director on a form prescribed by the  
26 director. ~~Upon~~ ON receipt of a registration form, the director shall  
27 notify the county in which the farm or ranch is located of such  
28 registration.

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

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

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



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

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

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

18           (a) The name, address and telephone number of the person reporting.

19           (b) The name, address and telephone number of the burner facility.

20           (c) The United States environmental protection agency  
21 identification number of the burner facility.

22           (d) The total volume of on-specification used oil burned.

23           (e) The period being reported.

24           (f) The total volume of self-generated used oil burned on site.

25           (g) The total volume of used oil fuel burned.

26           (h) A summary of the tracking information required to be kept  
27 pursuant to 40 Code of Federal Regulations part 279.

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

33           6. A household "do-it-yourselfer" used oil generator, as defined  
34 under 40 Code of Federal Regulations part 279, shall send its used oil to  
35 a "do-it-yourselfer" collection station, a household hazardous waste  
36 collection center, a used oil collection center, a used oil fuel marketer  
37 or a used oil processor or refiner.

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

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

1           Sec. 4. Section 49-836, Arizona Revised Statutes, is amended to  
2 read:

3           49-836. Solid waste landfill disposal fees

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

10           1. A disposal fee of \$.25 for each six cubic yards of uncompacted  
11 solid waste, \$.25 for each three cubic yards of compacted solid waste or  
12 \$.25 per ton of solid waste received at landfills regulated by the  
13 department. ~~From and after June 30, 2005, all \$.25 collected in disposal~~  
14 ~~fees shall be deposited in the recycling fund.~~

15           2. A solid waste landfill that receives only waste generated on  
16 site shall compute the fee by using one of the following methods:

17           (a) By actual volume or weight.

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

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

28           B. Each fee payment shall be accompanied by a form prepared and  
29 furnished by the department and completed by the operator. The form shall  
30 state the total volume or weight of solid waste disposed of at that  
31 landfill during the payment period and shall provide any other information  
32 deemed necessary by the department. The form shall be signed by the  
33 operator.

34           C. A person who for a fee disposes of waste in a solid waste  
35 landfill that is not regulated by the department shall keep accurate  
36 records of the waste disposed of in those landfills and shall remit a fee  
37 to the department at the same rate and in the same manner as provided in  
38 subsection A of this section or rules adopted pursuant to subsection G of  
39 this section.

40           D. For solid waste landfills that are operated pursuant to section  
41 49-741 and that do not have on-site operators or scales, the fee shall be  
42 based on a formula that multiplies the population of the political  
43 subdivisions served by the landfill by \$.07. ~~From and after June 30,~~  
44 ~~2005, all fees shall be deposited in the recycling fund.~~ The fee shall be

1 paid in the same manner as provided in subsection A of this section or  
2 rules adopted pursuant to subsection G of this section.

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

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

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

9 3. Material produced in connection with a mining or metallurgical  
10 operation.

11 F. Solid waste management service companies and agencies affected  
12 by the landfill disposal fees established by this section may adjust the  
13 fees charged to customers by passing through to the customers the  
14 additional costs.

15 G. The department shall establish by rule the solid waste landfill  
16 disposal fees.

17 Sec. 5. Section 49-881, Arizona Revised Statutes, is amended to  
18 read:

19 49-881. Solid waste fee fund; uses; exemption

20 A. The solid waste fee fund is established. The director shall  
21 administer the fund. The fund consists of legislative appropriations,  
22 donations, gifts, grants, registration fees collected pursuant to sections  
23 44-1303 and 44-1304.01, waste tire administrative monies distributed  
24 pursuant to section 44-1305, subsection B, paragraph 1, ~~lead acid battery~~  
25 ~~collection and recycling fees collected pursuant to section 44-1322,~~  
26 licensure fees collected pursuant to section 49-104, subsection B,  
27 paragraph 14, subdivision (b), solid waste general permit fees collected  
28 pursuant to section 49-706, solid waste landfill registration fees from  
29 section 49-747, licensure fees collected pursuant to section 49-761,  
30 subsection D, paragraphs 2 and 3 and subsections H, J and M, solid waste  
31 fees collected pursuant to section 49-762.03, subsection F, **USED OIL**  
32 **HANDLER FEES COLLECTED PURSUANT TO** section 49-802, subsection B, special  
33 waste management plan fees collected pursuant to section 49-857, special  
34 waste management fees collected pursuant to section 49-863, private  
35 consultants expedited plan review fees collected pursuant to section  
36 49-762.03, subsection G, self-certification filing fees collected pursuant  
37 to section 49-762.05, subsection H, ~~solid waste landfill disposal fees~~  
38 ~~collected pursuant to section 49-836,~~ special waste fees collected  
39 pursuant to section 49-855, ~~subsection C, paragraph 2~~ and coal combustion  
40 residuals permit processing fees and annual fees collected pursuant to  
41 section 49-891.

42 B. Monies in the fund are subject to legislative appropriation for  
43 solid waste control programs established in the funding sources pursuant  
44 to subsection A of this section and as determined by the director.

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

6 Sec. 6. Laws 2021, chapter 27, section 9, as amended by Laws 2023,  
7 chapter 78, section 1, is amended to read:

8 Sec. 9. Conditional enactment

9 A. Section 49-542, Arizona Revised Statutes, as amended by Laws  
10 2021, chapter 27, section 3, and section 49-542.03, Arizona Revised  
11 Statutes, as amended by Laws 2021, chapter 27, section 4, do not become  
12 effective unless on or before July 1, ~~2027~~ 2029 the United States  
13 environmental protection agency approves the proposed modifications to the  
14 vehicle emissions testing program protocols as part of the state  
15 implementation plan for air quality.

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

- 19 1. Of the date on which the condition was met.
- 20 2. That the condition was not met.

21 Sec. 7. Laws 2017, chapter 295, section 3, as amended by Laws 2022,  
22 chapter 177, section 12 and Laws 2024, chapter 70, section 1, is amended  
23 to read:

24 Sec. 3. Conditional enactment; notice

25 A. Section 3-3493, Arizona Revised Statutes, as amended by Laws  
26 2017, chapter 295, section 2, does not become effective unless on or  
27 before July 1, ~~2027~~ 2029 the United States environmental protection agency  
28 approves the proposed modifications to the gasoline fuel formulation  
29 requirements as part of the state 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 October 1, ~~2027~~ 2029 either:

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