

**Arizona SWANA Legislative Update**  
**March 10, 2016**

**1. State**

Over 1,200 bills introduced, so far 10 have passed both houses and 5 have been signed into law.

SB1234 – Minimum wage, nonmonetary compensation. Modifies the definition of wages to include board, lodging, and other facilities. Second read in Senate, January 25, 2016. Assigned to the House Environment, Energy, and Natural Resources Committee to be heard at 2:00 pm. on March 9, 2015, House Hearing Room 1.

SB1256 - Drug lab remediation. Repeals requirements associated with assayers and drug lab remediation and transfers all unexpended and unencumbered monies remaining in the Technical Registration Fund to the Hazardous Waste Management Fund. Stipulates monies in the Hazardous Waste Management Fund must be used for remediating property reported before the effective date if there is evidence the property owner did not comply with state law for removal of the gross contamination on the property. Applies rules relating to drug laboratory remediation adopted by ABTR when the Arizona Department of Environmental Quality is remediating properties. Passed in the Senate on February 11, 2016 and waiting for a vote in the House.

SB1268 - Allows municipalities located in counties outside of Active Management Areas that have adopted an adequate water supply ordinance to opt out of the ordinance. Passed in the Senate on February 11, 2016.

HB2009 – Veteran-owned businesses, procurement plan. Requires the DOA to set a 1.5% goal for veteran-owned business procurement. Second read in House, February 2, 2016. Passed in the House on February 18, 2016.

HB2131 - Repeals statute prohibiting cities, towns and counties from regulating the sale, use and disposition of auxiliary containers by an owner, operator or tenant of a business, commercial building or multi-family housing property and reinserts it into a separate section of statute. Intended to address shortcomings in last session's bill on auxiliary containers in new bill. Passed in the House on February 10, 2016. Expected vote in Senate on March 10, 2016.

Prop 124 – Public retirement system benefits. The Arizona Constitution provides that public retirement system benefits shall not be diminished or impaired. The Arizona Supreme Court has determined that this constitutional provision prohibits decreasing a future permanent benefit increase for certain existing retired public employees. Proposition 124 would amend the Arizona Constitution to create an exception to the current prohibition against diminishing or impairing public retirement system benefits by allowing for certain adjustments to the Public Safety Personnel Retirement System ("PSPRS"). Public safety members hired before July 1, 2017, Senate Bill 1428 replaces the current permanent benefit increase for retired members or survivors with a new compounding cost-of-living adjustment (COLA) would be prorated in the first year of a member's retirement. Requires employee contributions for public safety employees hired between January 1, 2012 and before July 1, 2017, who are not covered by Social Security and who chooses to participate in the new supplemental defined contribution plan. Proposition 124 preserves the Legislature's current ability to modify public retirement benefits for future employees.

**2. Federal**

SB1246 – Protecting America's Paper for Recycling Act. Amends the Internal Revenue Code, with respect to the tax credit for producing electricity from renewable resources, to exclude from the definition

of "municipal solid waste" solid waste that is collected as part of a system that includes materials recovery and that commingles commonly recycled paper with other solid waste that is not commonly recycled at any point from the time of collection through materials recovery. Introduced in Senate, May 7 2015.

SB1953 – Trash Reduction and Sensible Handling Act (TRASH). A bill to amend the Solid Waste Disposal Act to authorize States to restrict interstate waste imports and impose a higher fee on out-of-State waste. Introduced in Senate, August 5, 2015.

SB2446 – Improving Coal Production Residuals Act. Amends subtitle D of the Solid Waste Disposal Act to encourage recovery and beneficial use of coal combustion residuals and establish requirements for the proper management and disposal of coal combustion residuals that are protective of human health and the environment. Introduced in Senate, January 19, 2016.

HR3217 – Zero Waste Development and Expansion Act. Authorizes EPA to award grants for municipal solid waste prevention and recycling program development, and for other purposes. Introduced in House, July 28, 2015, referred to House Committee on Energy and Commerce.

EPA revisions to the National ambient air quality standard for ozone. Final rule published October 26, 2015, reducing the primary and secondary ozone standard levels from 0.075 to 0.070 parts per million (ppm). To date EPA has received 441,974 comments. Public comment will be accepted through March 30, 2016.

EPA revisions to the definition of “waters of the US” was stayed nationwide by the U.S. Court of Appeals for the Sixth Circuit on October 9, 2015 pending further action of the court. The new definition was intended to address Court decisions intended to limit their application to waters with a “significant nexus” to traditionally navigable waters. However the rule still includes all tributaries, including any water that contribute flow, either directly or through another water, to downstream traditional navigable waters, interstate waters, or territorial seas and all waters adjacent to such tributaries. The Court concluded that it was "far from clear" that the Rule's treatment of tributaries, adjacent waters, and waters having a significant nexus to navigable waters was consistent with the Supreme Court's directives.

The comment period on EPA’s Greenhouse Gas Reporting Rule revisions have been extended through March 30, 2016. The EPA is proposing to amend specific provisions in the Greenhouse Gas Reporting Rule to improve the quality and consistency of the data collected under the rule and to clarify or provide minor updates to certain provisions that have been the subject of questions from reporting entities. This action also proposes confidentiality determinations for the reporting of certain data elements to the program. This action also proposes action in response to a petition to reconsider specific aspects of the Greenhouse Gas Reporting Rule. SWANA is working on providing comments to the rule.

Reminder: Greenhouse gas emissions reports are due March 31.

EPA Revisions to RCRA Subtitle D Research, Demonstration & Development Permit Rule. EPA is considering modifying the permit term provision of the Research, Demonstration and Development (RD&D) rule in the subtitle D regulations for MSWLFs. One of the issues that has arisen is the 12-year time limitation on RD&D permits. States that have issued RD&D permits indicate to EPA that this limitation discourages long-term research and shortens the investment period needed to recoup costs, because the lag time from design to operation can be as much as three years. Proposed June 2015.

The Federal Motor Carrier Safety Administration (FMCSA) has released a proposed rule that will require national training standards for entry-level commercial truck and bus drivers. The rule would require new Class A and Class B CDL drivers to achieve a minimum number of hours of behind-the-wheel training to

become licensed. New licensees would also be obliged to complete instruction from an approved training program. FMCSA will be receiving comments through April 6, 2016.

FMCSA is proposing to revise the Federal Motor Carrier Safety Regulations (FMCSRs) by requiring that passengers in property-carrying commercial motor vehicles (CMVs) use the seat belt assembly whenever the vehicles are operated on public roads. This rule would hold motor carriers and drivers responsible for ensuring that passengers riding in the CMV are also using the seat belts required by the Federal Motor Vehicle Safety Standards. Public comment period closed January 26, 2016.

FMCSA proposed changes to the definition of a high-risk motor carrier on March 7, 2016. FMCSA is hoping that the new definition will allow it to focus on those entities with highest crash risk. Under the new definition, passenger carriers are “High Risk” if they have two or more of the following Behavior Analysis and Safety Improvement Categories (BASICS), most closely correlated with crash risk, at or above the 90th percentile for one month and they have not received onsite investigation in the previous 12 months: Unsafe Driving, Crash Indicator; HOS Compliance, and Vehicle Maintenance. Comments are due by May 6.