Arizona Legislature/ADEQ

The First Regular Session of the 54th Legislature convened on Monday January 14, 2019. Last day to introduce bills in the Senate was February 4, 2019, and in the House February 11, 2019. A total of 1204 bills were posted. 9 bills have passed, 1 of which has been vetoed and 8 signed into law. A total of 85 resolutions posted, 3 have passed. We now move into the heart of the session where the committees review the posted bills.

- **SB1482**: Agency fees. Requires agencies to obtain JBOC approval for large fee increases. Passed in Senate and transmitted to House on March 4, 2019.
- **HB2005**: Moving violations. Expands the list of violations eligible for defensive driving school and limits ADOT’s ability to use evidence in cases when defendants attend driving school. Passed in the House, transmitted to Senate on Feb 26, 2019. Currently before Senate Transportation and Public Safety Committee.
- **HB2069**: Distracted driving. Prohibits texting while driving. Passed out of Transportation and Public Safety Committees, appears stuck in the House Rules Committee.
- **HB2165**: Distracted driving. Adds engaging in an activity that willfully distracts the driver from operating a motor vehicle safely to the definition of reckless driving. In Transportation, Public Safety, and Rules Committees.
- **HB2452**: Vehicle emissions testing. Sets up a pilot program for remote testing of vehicle emissions. Passed in the House and transmitted to Senate on March 6, 2019. Currently before the Senate Nat. Resources, Appropriations, and Rules Committees.
- **HB2536**: Electric car taxes. Increases fuel tax from $0.18/gal on light vehicles and $0.26/gal on use class vehicles by $0.10/gal in 2020 and 2021 ad $0.05/gal in 2022. Similar tax increases on natural gas and propane. Electric cars would pay an annual fee, $130/yr in 2020 increasing to $198/yr in 2022. Passed Transportation Committee and Ways and Means, appears stuck in the House Rules Committee.
- **House Memorial 2001**: Urging EPA to reduce Method 9 certification (smoke school) training from bi-annual to annual. Adopted in House and transmitted to Secretary of State.

Arizona Methane Plan for MSWLF NSPS/EGs

Still waiting on EPA resolution on rule review and regulatory extension of plan submittal deadline. EPA has indicated that they will review the new NSPS and EG concurrently with the NESHAP rule in March 2019. Maricopa County is moving forward with it’s Methane Plan amendments to implement the final rule; held a final public hearing on February 25, 2019. Air Quality has requested that the Board of Health approve a formal rulemaking progress to amend MC Rule 321. Once implemented this will impose the federal EG requirements on existing landfill sources.

Arizona Industrial Stormwater Permit Revision

The Arizona Department of Environmental Quality is proposing to reissue an Arizona Pollutant Discharge Elimination System (AZPDES) general permit for stormwater discharges associated with industrial activities to waters of the U.S. There are a number of changes to monitoring and reporting requirements, along with several changes regarding online permit actions. Public comment is now
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closed, and ADEQ is evaluating comments received. Due to EPA by end of March, ADEQ may apply for an extension. ADEQ anticipates additional stakeholder input.

Some changes of note under the new permit:

- A new NOI will have to be filed for all facilities. Filed electronically.
- Monitoring will be reduced to twice/year, but will be required for the duration of the permit.
- Each sample must be discrete, no averaged benchmark sampling.
- Action levels set to AZ SWQS, TSS set at 100 mg/L
- Will include background sampling.
- No annual reporting requirement, DMR submitted electronically.
- DMRs will be required for unactive or unstaffed sites.

Details are available on ADEQ’s website at https://azdeq.gov/notices/MSGP_reissuance.

Arizona Hazardous Waste Rulemaking:

ADEQ proposed revisions to the hazardous waste rules were approved by GRRC on February 5, 2019 and became immediately effective. Note that these rules reduced the reporting requirement for hazardous waste facilities from annual to bi-annual reports on even-numbered years. The next report will be due March 1, 2020 to EPA. Hazardous waste facilities are not required to submit annual reports to ADEQ by March 1, 2019. Changes to the former hazardous waste rules include:

1. The use of the e-manifest system for tracking hazardous waste shipments and removal of all references to paper manifests in the Arizona rule.

2. Removal and reorganization of several ADEQ subsections to reflect EPA’s reorganization in the generator improvements rule. This change in federal regulations allows a hazardous waste generator to avoid a higher generator status when generating episodic waste provided the episodic waste is properly managed, and allows a very small quantity generator (VSQG) to send its hazardous waste to a large quantity generator under control of the same person. Other modifications include enhancements to the safety of facilities, employees, and the general public by improving hazardous waste risk communication and ensuring that emergency management requirements meet today’s needs.

The Definition of Solid Waste revisions: begin stakeholder sessions this summer. ADEQ expects to start stakeholder meetings once federal litigation is resolved.
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Federal

Infrastructure Bill

A draft infrastructure bill, the Realizing Economic Opportunities and Value of Expanding Recycling (RECOVER) Act would provide a total of $500 million over 5 years to EPA to distribute to states in the form of competitive grants. States can then use the funds to expand investment in recycling infrastructure and programs via investments in state, county and municipal recycling programs, MRFs, secondary recovery facilities, recycling facilities and manufacturing facilities. Private entities that qualify must provide matching funds to receive grants, whereas public entities do not. The bill gives wide berth to both EPA and the states to determine the best end-uses. There are eligibility requirements for each of the types of entities that can qualify, which vary somewhat by entity. Should a state decide not to apply for funds, public entities could apply directly to EPA for the grants. That currently is not an option for private entities, however a proposed amendment would allow private entities to apply directly for grants.

One of the biggest issues has been private entities vs public entities getting funding.

Extension of Deadline for submitting State Plans for Emissions Guidelines from MSWLFs’

On October 30, 2018, EPA proposed extending the deadline for States to submit plans for MSWLF emissions guidelines under 40 CFR 60 Subpart Cf until August 29, 2019 consistent with revised timelines under 40 CFR Part 60. EPA would then have 18 months to review state plans. Although the comment period closed on 12/14/18 with a total of 18 comments received, the California Attorney General submitted comments on January 3, 2019 with a demand that EPA withdraw the deadline extension. The comment letter contains several legal claims and with signatures by officers of the Attorney General of six states, the letter appears to lay the foundation for a law suit against EPA.

EPA Regulatory Agenda

Draft rule to list hazardous waste aerosol cans as a universal waste rather than managing as a RCRA hazardous waste. Final rule expected in September 2019.

Notice that EPA is considering revising the bulk liquids exclusion from landfills to facilitate wet, bioreactor landfill operations. Will be soliciting input on bioreactor design and operation standards.

Notice that EPA is considering revising the flash point test for determining flammability of liquids to avoid the use of mercury thermometers.