Arizona Legislature/ADEQ


- 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 both houses and signed by the Governor on May 10, 2019.
- HB2318: Texting while driving. Prohibits holding or physically supporting with any part of the body or writing/sending/reading of any text-based communication a portable wireless device while operating a motor vehicle that is in motion. Exceptions for voice operated equipment, authorized emergency vehicles, reporting illegal activity or summoning emergency help, fleet vehicles or CDL operators using 2-way radios in performing work within the scope of employment. Passed both houses and signed by the Governor on April 22, 2019.
- HB2452: Vehicle emissions testing. Sets up a pilot program for remote testing of vehicle emissions. Passed both houses and signed by the Governor on April 29, 2019.

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 its 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. After initial stakeholder comments, ADEQ has revised the draft permit to public comment is now 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 by Feb 28, 2020. Filed electronically.
- Monitoring will be reduced to twice/year, but will be required for the duration of the permit. Revised in second draft to be provided at the discretion of ADEQ depending on discharge monitoring report data relative to action levels.
- 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 inactive or unstaffed sites.

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

Review of State Plans for Emissions Guidelines from MSWLFs’

A federal district court has ordered EPA to implement the 2016 MSWLF NSPS and EGs. EPA has until September 6, 2019 to review state plans already submitted (including Arizona), and to implement a federal plan for states that haven’t submitted plans by November 6, 2019.

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.