

ADEQ's 2022 Regulatory Agenda – Big Ticket Items

AIR QUALITY

Regional Haze Rulemaking

Pursuant to A.R.S. § 49-458.01(A), ADEQ must submit to EPA, SIP revisions to address regional haze visibility impairments in Class I Areas. As such, ADEQ must adopt rules containing enforceable emissions limits for nonpoint sources and point sources contributing to visibility impairment in Class I Areas, including appropriate monitoring, recordkeeping, and reporting provisions.

- Next steps:
 - Please provide feedback on strawman rules by June 8, 2022
 - Strawman rules and 50 km buffer map posted for review under "Stakeholder Meetings" at "2021 Regional Haze SIP Planning" <https://www.azdeq.gov/node/5377>
 - Initial Four-Factor Determinations for Nonpoint Sources are also posted at "2021 Regional Haze SIP Planning" <https://www.azdeq.gov/node/5377>
- Will schedule follow up meeting if needed
- Goal to submit NPRM to SOS by late August 2022

WATER QUALITY

Arizona Surface Water Protection Program Rulemaking

In response to federal changes in rules related to Waters of the United States (WOTUS), the Arizona legislature provided ADEQ with additional authorities to proactively protect certain non-WOTUS waters, specifically those used for drinking, fishing and other forms of recreation.

HB2691 updated Arizona Revised Statutes §49-221(G) to require ADEQ publish an initial Protected Surface Waters List (PSWL) within 30 days of the SWPP effective date. The list was published on Oct. 29, 2021, and lists waters and their preliminary regulatory status as defined in statute.

ADEQ is required to conduct rulemaking to develop a state surface water protection program by Dec. 31, 2022. ADEQ is currently engaging stakeholders as we prepare for rulemaking, which will include the next version of the PSWL.

Underground Injection Control (UIC) Rulemaking

ADEQ is required under ARS §§ 49-203(5) and 49-257.01(A) to adopt a permit program for underground injection control (UIC), as administered under the Safe Drinking Water Act (SDWA; 42 USC § 300h et seq.). ADEQ proposes a new regulatory framework to articulate compliance expectations, mandate regulatory duties, and identify certain rights of those regulated through the state UIC program.

- Governor's Regulatory Review Council (GRRC) Study Session and Council Meeting Agendas, Meeting Documents, including PDF copies of materials provided to GRRC for rulemakings, and Minutes will be available at <https://grrc.az.gov/meeting-information>.

WASTE PROGRAMS

Coal Combustion Residuals (CCR) Rulemaking

ADEQ is beginning preliminary discussions on rules that would allow ADEQ to establish and operate a Coal Combustion Residuals (CCR) program for Arizona. HB2411 from the 2022 session authorizes these rules and was signed by the Governor on April 25, 2022. An exemption to the rulemaking moratorium was granted to ADEQ on May 2, 2022. ADEQ expects informal public meetings to be underway after HB2411 is effective. ADEQ staff is working on a draft Principles and Features overview of the rulemaking and will post it on our website. Send questions or comments to Dena Kalamchi

- Notice of Docket Opening | (Notice expected in June 2022 Arizona Administrative Register)

2022 Key Environmental-Related Arizona Legislation

Bill No.	Bill Title	Description	Status
HB2012	county improvement districts; formation	Mandates that an improvement district petition must be signed by a majority of people owning real property and by the owners of 51% or more of real property within the proposed district limits.	Signed 03/30/22
HB2037	counties; powers; water supply projects	Authorizes a county board of supervisors to enter agreements with federal, state and local governments to enable federal funding for specified projects that increase water supply and availability.	Signed 04/22/22
HB2053	department of environmental quality; continuation	Continues the Arizona Department of Environmental Quality for eight years until July 1, 2030. Retroactive to July 1, 2022.	Signed 03/25/22
HB2054	water quality appeals board; continuation	Continues the Water Quality Appeals Board for eight years until July 1, 2030. Retroactive to July 1, 2022.	Signed 04/13/22
HB2057	water supply development fund; revisions	Amends Water Infrastructure Finance Authority (WIFA) and Water Supply Development Revolving Fund statutes to conform with 2016 and 2021 laws. Increases the cap for a single grant to plan or design a water supply development project from \$100,000 to \$250,000 that WIFA, through the AFA Board, can offer a water provider.	Signed 03/25/22
HB2126	hazardous waste program fees	Authorizes the Arizona Department of Environmental Quality to set fees for hazardous waste.	Signed 03/30/22
HB2255	fireworks; permissible use; Diwali.	Removes specified days before and during Diwali from the days that a city, town and county (governing body) may prohibit the sale and use of permissible consumer fireworks.	Senate COW 06/07/22
HB2406	water quality fee fund	Broadens permissible uses of the Water Quality Fee Fund. Allows ADEQ to increase fees for specified programs. Requires ADEQ to adopt by rule fees to pay the expenses of implementing the Aquifer Protection Permit Program, and statute restricting those fees to specified maximums is deleted.	Signed 04/29/22
HB2410	environmental programs; amendments	Alters and repeals specified programs administered by ADEQ. Conveys specified land from ADEQ to the Arizona Department of Administration.	Signed 04/25/22
HB2411	coal combustion residuals program	Establishes the Coal Combustion Residuals Program and outlines CCR Program requirements.	Signed 04/25/22
HB2480	vehicle serial numbers; removal; restoration	Exempts a person from a penalty for removing, defacing, altering or destroying a motor vehicles manufacturer's serial or identification number during repair or restoration of a motor vehicle manufactured before 1981.	Signed 03/24/22
HB2556	water infrastructure finance; sunset repeal	Removes the termination date for the Water Infrastructure Finance Authority. Retroactive to July 1, 2022.	Signed 03/25/22
HB2586	electric charging providers	Asserts services engaged by companies to charge batteries for electric vehicles do not qualify electric charging providers as public service corporations.	Signed 04/06/22
HB2559	administrative hearings; GRRC	Makes various revisions to laws relating to occupational licensure, review of agency rules and appealable agency actions.	Signed 05/27/22
HB2612	occupational regulation	Deletes statutory references relating to a person's virtues (i.e. character, good, honesty, integrity, moral & trustworthy) with respect to occupational regulation.	Signed 03/24/22
SB1067	cities; water infrastructure finance authority	Outlines the requirements and exceptions for municipalities, counties and sanitary districts to enter financial assistance loan repayment agreements with the Water Infrastructure Finance Authority.	Signed 04/13/22
SB1136	public works; contracts; payments	Outlines requirements for the payment of contractors and subcontractors for changed or additional work (changed work) in construction contracts with certain governmental entities.	Signed 03/23/22
SB1171	(now: treated process water; storage credits)	Allows a food or beverage manufacturer to store treated process water underground under certain circumstances and specifies that this water can only be used for nonirrigation use at the same site where the water was stored. Establishes a study committee to analyze issues related to treatment and underground storage of treated process water and using effluent to assist in obtaining an assured water supply.	DPA House COW 05/25/22
SB1197	(now: irrigation districts; service area; WIFA)	Redefines service area for certain irrigation districts and allows these districts and water conservation districts to receive financial assistance from the Water Infrastructure Finance Authority to design, rehabilitate or improve water or wastewater infrastructure.	Signed 05/02/22
SB1275	fireworks; use; overnight hours; prohibition	Authorizes counties and municipalities to prohibit the use of permissible consumer fireworks between the hours of 11PM and 8AM, except between 11PM on December 31 through 1AM on January 1, and between 11PM on July 4 through 1AM on July 5.	Signed 03/18/22
SB1376	codes; ordinances; use of refrigerants.	Prohibits a municipality or county from adopting any regulatory provisions that prohibit using acceptable alternative refrigerants listed in the Clean Air Act if the equipment used is listed and installed in compliance with the CAA's requirements.	Signed 03/18/22
SB1598	information technology; security; office	Transfers the Statewide Information Security and Privacy Office to the Arizona Department of Homeland Security. Revises certain responsibilities of the Arizona Department of Administration and AZDOHS.	Signed 03/23/22