



June 29, 2016 Legislative Update

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# Tracked Legislation

## Bills Passed

- SB1256 - Drug lab remediation. Transfers jurisdiction to ADEQ. Repeals ABTR requirements for assayers and drug lab remediation and transfers all monies remaining in the Technical Registration Fund to the Hazardous Waste Management Fund. Applies ABTR rules relating to drug laboratory remediation to ADEQ.
- HB2131 - Repeals statute prohibiting cities, towns and counties from regulating “auxiliary containers” and reinserts it into a separate section of statute. Intended to address shortcomings in last session’s bill on auxiliary containers.

# Federal Legislation

- 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.

# ADEQ and Appropriations

## 1. WQARF Funding

Funding for Water Quality Assurance Revolving Fund (WQARF) will increase 26% to \$14.2 million. This significant increase will allow the program to expand its role in identifying and cleaning up contaminated sites throughout the state.

## 2. myDEQ

The online permitting system by ADEQ will be moving forward with additional funding to further develop the web site.

## 3. Vehicle Emissions and Inspections (VEI) continuation

The VEI sunset date has been extended 6 years and is now consistent with ADEQ's general sunset date of 2022, which will allow the agency to streamline the sunset reporting process, while continuing administration of this important air quality program.

# EPA Rulemaking

- Ozone Standard

EPA final rule published October 26, 2015, reducing the primary and secondary ozone standard levels from 0.075 to 0.070 parts per million (ppm). The House passed the Ozone Standards and Implementation Act on June 8, 2016, which would allow states to implement the 2008 National Ambient Air Quality Standards issued in early 2015 and delay implementation of the EPA's updated October 2015 standards. The measure would also extend the time frame for mandatory reviews of air quality standards from five to 10 years.

- Waters of the US rulemaking

EPA revisions to the definition of “waters of the US” intended to address Court decisions intended to limit their application to waters with a “significant nexus” to traditionally navigable waters. The rule still includes all tributaries, including any water that contribute flow to downstream traditional navigable waters. Sixth Circuit Court of Appeals stay was upheld. In May the House Appropriations Committee voted to defund EPA actions in revising the waters of the US rule. On June 15, 2016 Howard Shelanski, director of the Office of Information and Regulatory Affairs at the White House, was charged with Contempt of Congress for not releasing documents outlining his office's involvement in the EPA Waters of the U.S. rule.

# More EPA Rulemaking

- EPA Revisions to RCRA Subtitle D Research, Demonstration & Development Permit Rule. EPA revised the permit term provision of the Research, Demonstration and Development (RD&D) rule in the subtitle D regulations for MSWLFs . Revisions will allow for up to 6 three year extensions for a 21year overall permit term. Final rule promulgated May 10, 2016, becomes effective November 10, 2016.
- The EPA is proposing to amend specific provisions in the Greenhouse Gas Reporting Rule to improve the data collected under the rule and to update certain provisions. Landfills no longer have to report the total surface area for each type of cover material (only total surface area), considering a volume weighted average instead of an area weighted average for collection efficiency, broaden the list of available final cover types, revising the application of oxidation in cover soil. Also proposes confidentiality determinations for the reporting of certain data elements to the program. Closed to comments on March 30, 2016.

# Federal Motor Carrier Safety Administration

- New rule requiring passengers in property-carrying commercial motor vehicles (to use the seat belt assembly whenever the vehicles are operated on public roads. Motor carriers are responsible for ensuring that passengers are using the seat belts. This rule is effective August 8, 2016.
- Proposed rule requiring national training standards for entry-level commercial truck 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. Comments closed April 6, 2016.
- Motor Carriers:
  - proposed changes to the definition of a high-risk motor carrier. Passenger carriers are “High Risk” if they have two or more Behavior Analysis and Safety Improvement Categories (BASICS) correlated with crash risk: Unsafe Driving, Crash Indicator; HOS Compliance, and Vehicle Maintenance. Comments closed May 6.
  - Proposed new methodologies would determine when a motor carrier is not fit to operate commercial motor vehicles based on the carrier's on-road safety data in relation to five of the Agency's seven BASICS; an investigation; or a combination of on-road safety data and investigation information.