

## **AZ SWANA Legislative Update, October 13, 2017**

### **Arizona Legislature/ADEQ**

**Volkswagen Settlement:** Arizona will receive nearly \$57 million dollars over 10 years in settlement funds for projects that reduce nitrogen oxide (NOx) emissions in areas of the state significantly affected by diesel emissions. ADEQ/ADOA are developing a mitigation plan to the court-appointed settlement Trustee that will summarize how the state plans to use the mitigation funds. Eligible mitigation actions include replacing or repowering eligible large trucks, buses, freight switchers, ferries/tugs, medium trucks and other vehicles with new diesel or alternative fuel engines, or all-electric engines. Beneficiaries may also use up to 15 percent of their allocation of trust funds on acquiring, installing, operating and maintaining new light duty zero emission vehicle supply equipment.

- November 2017 - Trustee approves/denies Beneficiary status
- Nov/Dec 2017 - State to engage stakeholders and develop mitigation plan
- December 2017 - Beneficiary to submit the mitigation plan

### **Hazardous Regulation Implementation Update**

Arizona has applied to EPA for authorization of changes to its hazardous waste program under the RCRA to incorporate several revisions to federal rules made between 1998 and 2006 in order to maintain equivalency between state and federal programs with respect to these changes. EPA has reviewed Arizona's application and is proposing to authorize the state's changes. EPA's proposed determination is subject to public review and comment through November 6, 2017.

### **ADEQ Pollution Prevention Workshops**

ADEQ is inviting interested business and government personnel to attend free workshops providing an Overview of Solid Waste Regulations, an Overview of Hazardous Waste Management, Hazardous Waste Manifests and Reporting, and new developments in Pollution Prevention. October 24, 2017 (Tucson) and January 31, 2018 (Phoenix) and a webinar on waste and used tires October 18, 2017.

### **ADEQ Omnibus Bill**

In ADEQ's ongoing effort to identify and remove, simplify or correct duplicative, contradictory and ambiguous regulatory hurdles, the Department is working on an omnibus bill to be introduced into the 2<sup>nd</sup> regular session of the legislature in January. The would like input from the public on statutes or rules that are redundant, unnecessary, or unduly burdensome.

### **Federal**

#### **EPA Stay of MSWLF NSPS and EG rules**

EPA's stay on the MSWLF NSPS/EG rule ended on 8/29/2017, and EPA has not taken any further action on the new rules. As such, the NSPS/EG are going into effect, and landfills are subject to any approved state plans implementing the rules. SWANA is working with EPA on developing the next steps in the process, including reconsideration of the review time period and developing a memo to states confirming that they can continue waiting to submit a plan without penalty. On June 15, 2017, The Natural Resources Defense Council has filed suit in the DC circuit court of appeals challenging the stay. A motion for summary disposition was filed on August 4.

**Chinese Scrap Metal Ban**

The Chinese ban on import of certain waste and scrap materials is set to go into effect on January 1, 2018. The contamination standard will be 0.3%, which will effectively ban all imports of recyclable materials into China. There is no indication that China will act on US requests to consider a longer phase in period. In September, China began refusing to renew waste import licenses, and recyclable scrap is beginning to accumulate in ports of entry.

The ban is expected to dramatically impact municipal recycling programs in the near term, particularly paper and plastic. SWANA is recommending to state agencies:

1. Communicate with local governments, industry partners, generators, and other interested parties about the current disruption in recycling markets.
2. Educate all stakeholders about the importance of generating high quality material. China's ongoing efforts to limit the amount of contamination in material imports -- dating back to the 2013 "Green Fence" -- highlight the need for recyclers to produce high quality material.
3. Renew efforts to encourage waste reduction and the development of alternative domestic markets for recyclable materials. Both have the potential to reduce reliance on Chinese markets.
4. Review current and contemplated recycling goals and regulations in light of current market conditions.