



ARIZONA STATE SENATE
Fifty-Fifth Legislature, Second Regular Session

FACT SHEET FOR H.B. 2410

environmental programs; amendments

Purpose

Alters and repeals specified programs administered by the Arizona Department of Environmental Quality (ADEQ). Conveys specified land from ADEQ to the Arizona Department of Administration (ADOA).

Background

ADEQ must administer various programs, including: 1) the Dust-Free Developments Program, which provides a voluntary certification process to recognize persons and entities that demonstrate exceptional commitment to airborne dust reduction in specified counties; and 2) a program to improve air quality through promoting technological development, innovation, testing and certification (A.R.S. §§ [49-457.02](#) and [49-554](#)).

ADEQ also issues permits. A general permit for disposal in vadose zone injection wells of storm water mixed with reclaimed wastewater, groundwater or both from man-made bodies of water associated with golf courses, parks and residential common areas, provided that, among other requirements, the injection wells are registered as a dry well. A *vadose zone* is the zone between the ground surface and any aquifer (A.R.S. §§ [49-201](#) and [49-245.02](#)). *Underground injection* is the subsurface emplacement of fluids by well injection, excluding the underground injection of natural gas for purposes of storage and the underground injection of fluids or propping agents, other than diesel fuels, pursuant to hydraulic fracturing operations related to oil, gas or geothermal production activities ([42 U.S.C. § 300h](#)). A *dry well* is a well which is a bored, drilled or driven shaft or hole whose depth is greater than its width and is designed and constructed specifically for the disposal of storm water. Dry wells do not include class 1 through class 4 injection wells. A person who brings a dry well into operation or owns an existing dry well that is or has been used for disposal must register the well with ADEQ and pay a registration fee (A.R.S. §§ [49-331](#) and [49-332](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

Wells

1. Requires, for a general permit to be issued for disposal in a vadose zone injection well, the well to be inventoried pursuant to the Underground Injection Control Program under federal regulations or state rules approved by the U.S. Environmental Protection Agency (U.S. EPA), rather than being registered as a dry well.

2. Stipulates that wells are not subject to the requirement that all aquifers in Arizona be classified for drinking water protected use if the well is authorized by:
 - a) rule;
 - b) a permit issued pursuant to underground injection control statute; or
 - c) a permit issued by the U.S. EPA.

Conveyance of Land from ADEQ to ADOA

3. Conveys, from ADEQ to ADOA, clear title to a specified square mile of real property in Maricopa County.
4. Requires ADEQ and ADOA to execute documents and take other actions reasonably necessary to complete the conveyance of ownership of the real property.
5. Stipulates that statute relating to the acquisition of real property does not apply to the conveyance from ADEQ to ADOA.

Air Quality

6. Allows, rather than requires, ADEQ to develop a program to improve air quality through vehicle emissions reduction by:
 - a) expediting testing and certification of technological developments;
 - b) developing incentives to encourage development and innovation of technologies; and
 - c) establishing a board with technical expertise to assist developers of promising technologies with emission certification processes of the California Air Resources Board and U.S. EPA.
7. Removes the Governor's Energy Office from the entities that assist ADEQ in the development of the air quality improvement program.
8. Allows, rather than requires, ADEQ to adopt rules for air pollution emission standards in counties with a population of more than 1,200,000 persons for:
 - a) off-road vehicles and engines marketed in Arizona beginning with the 1999 model year; and
 - b) golf cart engines.
9. Removes the specification that the 1,200,000 minimum population for the requirement of ADEQ air pollution emission standards be determined according to the most recent U.S. decennial census.

Conditional Effective Date (Retroactive to June 30, 2022)

10. Delays, from July 1, 2022, to July 1, 2024, the conditional effective date for legislation that would allow gasoline, to meet requirements for use in counties with 1,200,000 or more persons to:
 - a) be a blend other than a gasoline-ethanol blend; and
 - b) contain at least 2.7 percent by weight of oxygen but less than the maximum percentage of oxygen allowed by provisions of a waiver issued or other limits established by the U.S. EPA.

11. Delays, from October 1, 2022, to October 1, 2024, the deadline by which the ADEQ Director must notify the Arizona Legislative Council Director:
 - a) of the date on which the conditional effective date was met; or
 - b) that the condition was not met.

Contaminant and Waste Management

12. Specifies that, to require a property owner who has left contamination on the owner's property that exceeds residential standards to record a declaration of environmental use restriction, the property must be at a site remediated under programs, settlements or orders administered by ADEQ.
13. Removes the requirement that the Hazardous Waste Management Fund be used for:
 - a) reimbursing appropriations received for FY 1992 to the state General Fund; and
 - b) remediating properties that have been reported to the State Board of Technical Registration before August 6, 2016, if there is evidence that the property owner did not comply with Arizona law for removal of the gross contamination on the property.

Statutory Repeals

14. Repeals the Dust-Free Developments Program.
15. Repeals statute pertaining to dry wells that:
 - a) requires a person to bring a dry well into operation or who owns an existing dry well that is or has been used for 3disposal to register the well with, and pay a fee to, ADEQ;
 - b) allows dry well registration fees to be used through the Water Quality Fee Fund;
 - c) outlines requirements and permissive authorities of the ADEQ Director pertaining to dry well registration and establishment;
 - d) outlines requirements for the installation, construction or modification of a dry well;
 - e) prohibits dry wells from being used for the disposal of hazardous substances or oil;
 - f) outlines enforcement procedures for violations of dry well requirements;
 - g) exempts dry wells used in conjunction with golf course maintenance from dry well registration requirements; and
 - h) defines related terms.
16. Repeals statute pertaining to the use of ultra-low sulfur diesel fuel that:
 - a) allows a person or entity to use the fuel in vehicles that are retrofitted with oxidation catalysts and particulate filters in the person or entity's fleet in defined areas;
 - b) outlines requirements of ADEQ pertaining to the fuel's use; and
 - c) defines *ultra-low sulfur diesel fuel*.
17. Repeals session law that:
 - a) requires, by December 31, 2003, the ADEQ Director to establish a daily visibility index for evaluating and reporting current visibility conditions and progress toward visibility improvement goals in specified areas of Maricopa County, Pinal County and Yavapai County;
 - b) outlines requirements for, and the purposes of, the visibility index; and
 - c) defines *blue sky day*.

Miscellaneous

18. Makes technical and conforming changes.

19. Becomes effective on the general effective date, with retroactive provisions as noted.

House Action

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3rd Read 2/23/22 59-0-1

Prepared by Senate Research

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RC/slp