



ARIZONA STATE SENATE
Fifty-Sixth Legislature, Second Regular Session

FACT SHEET FOR H.B. 2628

department of environmental quality; omnibus

Purpose

Makes various changes to the abilities and requirements of the Arizona Department of Environmental Quality (ADEQ) regarding programs, funding sources, rulemaking, vehicle testing and permitting.

Background

ADEQ must establish a Monitoring Assistance Program for Public Water Systems (Monitoring Assistance Program) to assist public water systems in complying with monitoring requirements under the federal Safe Drinking Water Act. The Monitoring Assistance Program must provide for the collection, transportation and analysis of baseline samples from public water systems in a frequency sufficient to keep the systems in compliance with the federal Safe Drinking Water Act requirements. The Monitoring Assistance Program monitors: 1) volatile organic chemicals; 2) synthetic organic chemicals; 3) inorganic chemicals except for copper and lead; and 4) radiochemicals ([A.R.S. § 49-360](#)).

A motor vehicle with a model year of 1981 or later, for the purposes of determining compliance with minimum emissions standards and functional tests in Area A for motor vehicles other than diesel powered vehicles or constant four-wheel drive vehicles, must be required to take and pass a transient load test ([A.R.S. § 49-542](#)).

The Director of ADEQ may adopt rules to establish and operate a Coal Combustion Residuals (CCR) Program equivalent to or at least as protective as the federal CCR Program, but not more stringent than the federal CCR Program rules. Within 180 days after the effective date of design and operation rules adopted by the Director for CCR facilities, facilities with CCR units may submit to ADEQ a permit application covering each CCR unit at the facility ([A.R.S. § 49-891](#)).

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

Provisions

Monitoring Assistance Program

1. Adds federal monies to the funding sources of the Small Drinking Water Systems Fund within the Water Infrastructure Finance Authority.
2. Allows ADEQ to adopt rules to establish criteria for a public water system to opt out of the Monitoring Assistance Program.

3. Allows ADEQ to conduct additional sampling for a system that triggers a detection limit set by rule to comply with the federal Safe Drinking Water Act.
4. Adds other contaminants as required by the federal Safe Drinking Water Act to the contaminants that must be monitored by the Monitoring Assistance Program.
5. Adds federal monies to the funding sources of the Monitoring Assistance Program.
6. Requires, if the Monitoring Assistance Program Fund has a surplus, more than the average annual operation costs as measured by the three preceding fiscal years, rather than in excess of \$200,000, the surplus to be used to reduce the fee for the subsequent year in a manner consistent with the Monitoring Assistance Program invoicing system.

Vehicle Testing

7. Requires a motor vehicle with a model year of 1981 or later, with a gross vehicle weight rating of less than 8,501 pounds, to be required to take and pass a transient loaded test.
8. Requires a motor vehicle with a model year of 1981 or later, with a gross vehicle weight rating of more than 8,501 pounds, other than an already prescribed vehicle, to be required to take and pass a steady state loaded test, a curb idle test or another test approved under the federal Clean Air Act.

Permitting

9. Allows facilities with CCR units to submit to ADEQ a permit application covering each CCR unit at the CCR facility after the effective date, rather than 180 days after the effective date, of design and operation rules adopted by the Director for CCR Facilities.

Definitions

10. Repeals the applicability of federal definitions regarding the Underground Injection Control Permit Program.
11. Adds, to the definition of *closed solid waste facility*, a public solid waste landfill that received approval for closure from ADEQ after completing a post closure care and monitoring plan as required by permit or plan approval.
12. Removes the definition of *conditionally exempt small quantity generator waste*.
13. Removes, from the definition of *recycling facility*, the requirement for the facility to handle wastes that have a significant adverse effect on the environment.
14. Defines *very small quantity generator waste* as hazardous waste as defined by outlined rules.

Miscellaneous

15. Conditions the enactment of the vehicle emission testing program protocols on the U.S. EPA approving Arizona's State Implementation Plan.

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16. Makes technical and conforming changes.

17. Becomes effective on the general effective date.

House Action

NREW	2/6/24	DPA	10-0-0-0
3 rd Read	2/26/24		56-0-3-0-1

Prepared by Senate Research

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RA/slp