



**Fact, Fiction, Opportunity & Threat:
How Federal & State Environmental
Policy Will Impact You**

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August 23, 2013

Arizona's 51st Legislature, 1st Session

- January 14, 2013
 - opening day of session
- June 14, 2013
 - session adjourned sine die
- September 13, 2013
 - date of enactment for all bills signed and filed into law that were passed during the regular session.

Key 2013 Legislative Bills Filed Into Law

Short Title	Sponsor	Description
Emergency Response Commission; Fees	Fann	<p>Authorizes the Emergency Response Commission to adopt rules through December 31, 2018 establishing fees to implement the Community Right-To-Know Program.</p> <p>Impacted Entities: Companies that store Tier III hazardous chemicals</p>
Scrap Metal Dealers; Registration	Foese	<p>Requires scrap metal dealers to register with the Arizona Department of Public Safety (DPS) in order to conduct business and re-register with the state, as well as prove compliance with the statute every two years.</p> <p>Requires the dealer to keep various documentation and proof of registration at each facility.</p> <p>Permits DPS to collect registration fees.</p> <p>Establishes fines associated with violations and stipulates that failure to comply with statute may result in immediate suspension of all scrap metal transactions by the dealer.</p> <p>Impacted Entities: Scrap metal dealers</p>
Health & Safety Audit Privilege	Carter	<p>Establishes requirements for H&S audit reports, privileges and exemptions.</p> <p>Requires that an H&S audit report "include each document and communication that is created for an organization's compliance with a health or safety law or an industry standard of excellence with respect to safety, reliability or training.</p> <p>Provides privilege to any part of an audit report conducted by an organization and prohibits the testimony or production of a document in response to a subpoena. The party asserting privilege has the burden of establishing the applicability of privilege.</p> <p>However, it specifically does not apply the privilege to any documents, communications, datum, report or any other information that is required to be collected, developed, maintained or reported under a health or safety law by a regulatory agency; information obtained by observation, sampling or monitoring by a regulatory agency; or information obtained from a source not involved in the preparation of the H&S audit report.</p> <p>Disclosure/testimony may be required by a court or administrative hearing officer if it is determined that the privilege was asserted for fraudulent purpose, the portion of the audit report is not subject to privilege or the portion of the audit report shows evidence of noncompliance with a H&S law and appropriate efforts to achieve compliance were not promptly initiated and pursued with reasonable diligence after the discovery of the noncompliance. The party seeking disclosure has the burden of proving that one of the aforementioned apply to the request.</p> <p>Impacted Entities: Any organization, public or private</p>

Key 2013 Legislative Bills Filed Into Law

Short Title	Sponsor	Description
Underground Storage Tank Program Changes	Pratt Fann Shooter	<p>Extends the UST-related fuel tax from December 31, 2013 to December 31, 2015. Extends the coverage for corrective action costs. Grants a 5-yr extension to submit certain applications. Establishes a UST Program Study Committee consisting of 17 members.</p> <p>The State Assurance Fund (SAF) was established in 1990 to assist eligible UST O/Os with addressing the high costs of LUST cleanups, as well as provide funding to the cleanup of orphaned LUSTs. The funding is provided through a \$0.01/gallon fuel tax, which was scheduled to sunset on December 31, 2013. However, this bill continues that funding until December 31, 2015 and further expands and extends the SAF UST program.</p> <p>Impacted Entities: Underground Storage Tank Owners and/or Operators (UST O/Os)</p>
Theft; Scrap Metal	Forese Shooter	<p>Amends the classification of theft under ARS 13.1802 to include a person whom, without lawful authority, controls ferrous/nonferrous metal of another with the intent to deprive the other person of the metal, or knowing or having reason to know that the metal was stolen; or purchases within the scope of ordinary course of business the ferrous/nonferrous metal of another person knowing that the metal was stolen</p> <p>Theft of property or services with a value of: \$25,000 or more = Class 2 Felony (approx. 3-12 yrs imprisonment) \$4,000 - \$25,000 = Class 3 Felony (approx. 2-8 yrs imprisonment) \$3,000 - \$4,000 = Class 4 Felony (approx. 1-3 yrs imprisonment) \$2,000 - \$3,000 = Class 5 Felony (approx. 6 mos-2 yrs imprisonment) \$1,000 - \$2,000 = Class 6 Felony (approx. 2 mos-1.5 yrs imprisonment) less than \$1,000 = Class 1 Misdemeanor (not more than 6 mos imprisonment)</p> <p>Impacted Entities: Everyone</p>
Solid Waste Facilities; General Permit	Griffin	<p>Facilities that obtain and maintain coverage under an ADEQ Waste Programs General Permit, pursuant to ARS 49.706, are exempted from:</p> <ul style="list-style-type: none"> - ADEQ rules for SW facilities established pursuant to ARS 49.761 - requirements to submit a SW facility plan pursuant to ARS 49.762 - compliance with 40 CFR §257: Criteria for classification of solid waste disposal facilities and practices <p>Impacted Entities: Solid waste facilities, mining companies</p>

What's Currently Cooking in Arizona?

etail Competition & Net Metering

Currently under consideration by the Arizona Corporation Commission.

Water

Arizona Department of Water Resources is working on developing a statewide strategic plan.

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Regional Haze: impacting NGS, Cholla, Apache & Coronado

Pinal County PM10 State Implementation Plan

Maricopa County Air Quality Department (MCAQD) & Arizona Department of Environmental Quality (ADEQ) No Burn Day outreach program

natural Resources Review Council

Est. January 14, 2013 by Governor Brewer

Executive Order 2013-02

51st Legislature, Second Session

January 13, 2014

– Opening Day of Session

Possible Legislation:

- Retail Competition
 - Modify Arizona's Constitution
- Water
 - Funding / Strategic Planning
- Air
 - Pinal County PM10 SIP
- MyDEQ
 - Funding / Implementation

Upcoming Events

August 29, 2013

Public Meeting: Pinal County PM10 State Implementation Plan (SIP)

Nonattainment Area Stakeholder Meeting

- 3:00p – 6:00p, Maricopa Agricultural Center (37860 W. Smith Enke Road, Maricopa, AZ)
- Discussing the preliminary emission inventory results & begin discussions regarding potential control measures.

September 18, 2013

Public Hearing: Arizona State Area Designation, Boundary

Recommendation for the Revise Primary Annual Fine Particle (PM_{2.5})

Standard (2012 NAAQS)

- 3:00p, ADEQ HQ, Conference Room 145 (1110 W. Washington St., Phoenix, AZ)
- Final opportunity to submit comments, data and views, orally and in writing, regarding the proposed recommendation.

Get Involved!

October 4, 2013

- EPA deadline for public comments regarding the NGS Regional Haze Proposed Rule.

November 2013

- MCAQD & ADEQ implementation of No Burn Day outreach program

November (TBD) 2013

- Arizona Manufacturers Council & MCAQD's Air Quality Conference

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