

ADEQ Legislative Affairs: Priorities & 2024 Session Update

Krista Osterberg

Chief Legislative Liaison

February 26, 2024



Clean Air, Safe Water,
Healthy Land for Everyone



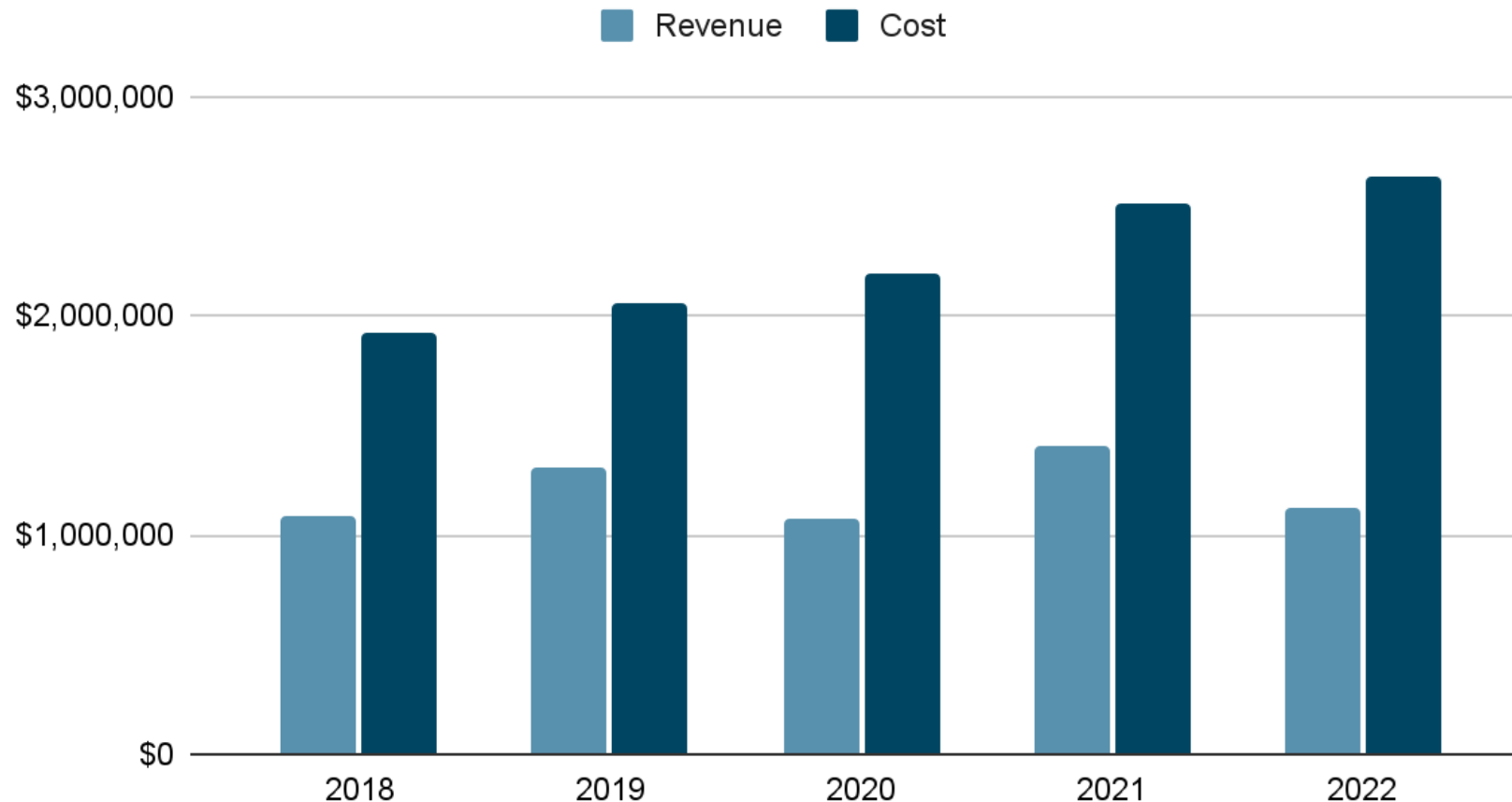
Mandated Solid Waste Program Activities

Management of Waste Tires & Used Tires
Collection of Recycled Lead Acid Batteries
Management of Septage Haulers
Solid Waste Landfills
Biohazardous Medical Waste Transporters, Storage, & Disposal
Self-Cert Solid Waste Facilities
Best Management Practices Solid Waste Facilities
Solid Waste Haulers

Solid Waste Transfer Stations
Solid Waste Treaters
Special Waste Generators, Transporters, & Disposal
Used Oil Gen, Transporters, Transfer, Processors, & Refiners
Solid Waste Composters
Solid Waste Recycling
Advanced Recycling Facilities
Coal Combustion Residuals (pending)

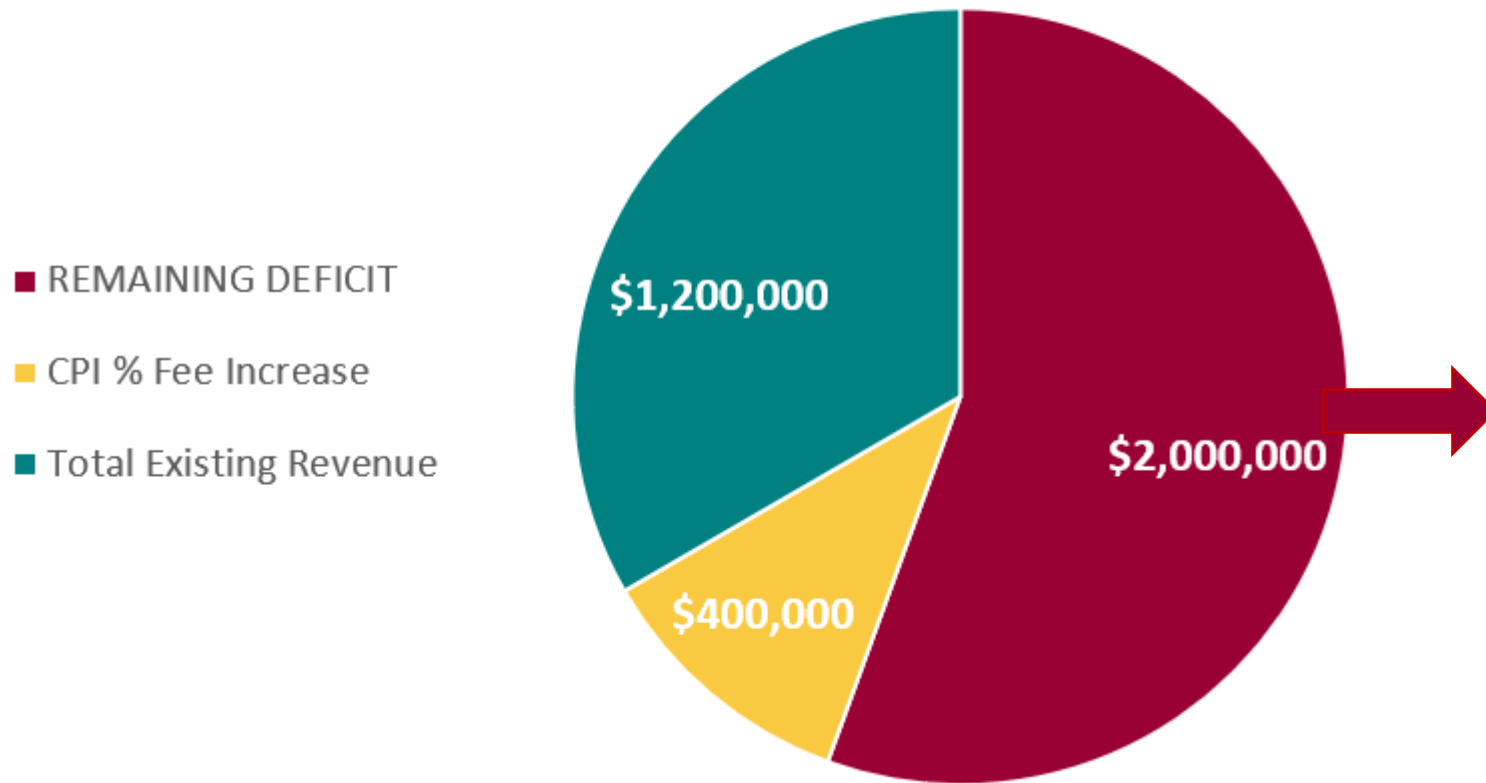
2012: SWFF Moved from General Fund to Fee for Service

Solid Waste Program



- 34% inflationary increase in program costs since 2012
- One-time rulemaking authority
 - **HB2367** authorizes rulemaking to update fees

SWFF Remaining Structural Deficit after CPI% Increase



New Fees Authorized by HB2367
Used Oil Handlers
Lead Acid Battery Collection and Recycling Facilities
Medical Waste TSD Facilities
Solid Waste Facilities Subject to BMPs
Financial Assurance Review
Composting Operations
Special Waste Generation, Transport, Receipt

- HB 2370 – Oxygenated Fuel; Federal Approval; Extension
- HB 2369 – Dredge; Fill; Permits; Cleanup
- HB 2628 – Department of Environmental Quality; Omnibus
 - *VEI Technical Correction*
 - *Solid Waste Definition Update*
 - *UIC Definition Update*
 - *Drinking Water Monitoring Assistance Program*
 - *Small Water Systems Fund*



Small Water Systems Fund

Prior Appropriations to the Small Water Systems Fund:

FY17: \$500,000

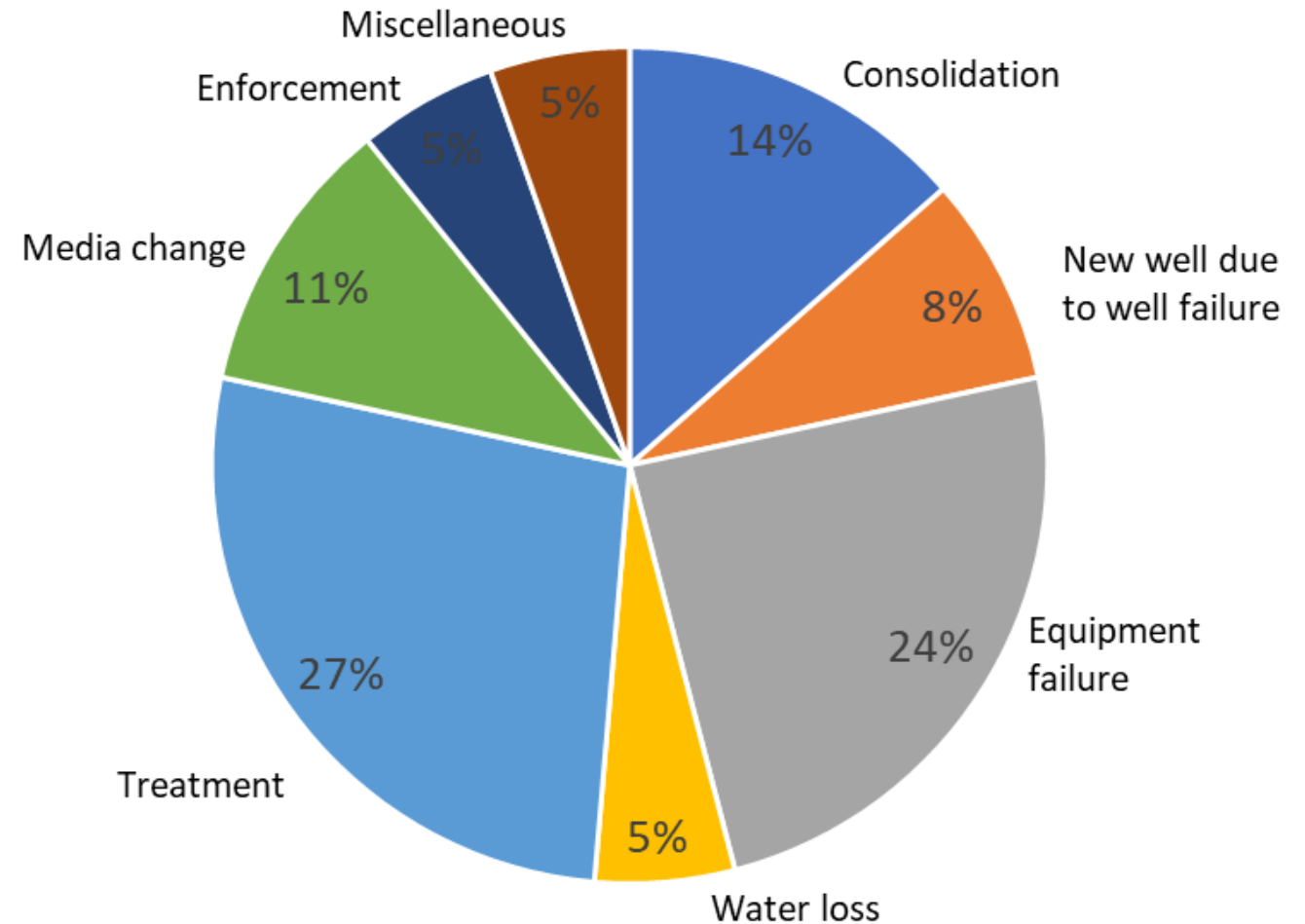
FY20: \$500,000

FY21: \$1,000,000

Remaining Funds Available: \$0

- Currently 4 water systems pending assistance totaling \$95,000 in need
- In addition, there are typically 3 – 4 water system emergencies each year requiring an average of \$75,000 each

SWSF Awards by Type FY17-FY23



Community and Intergovernmental Engagement Section (CIE) Updates

Justin Harris

CIE Section Manager

February 26, 2024



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engagement

outreach

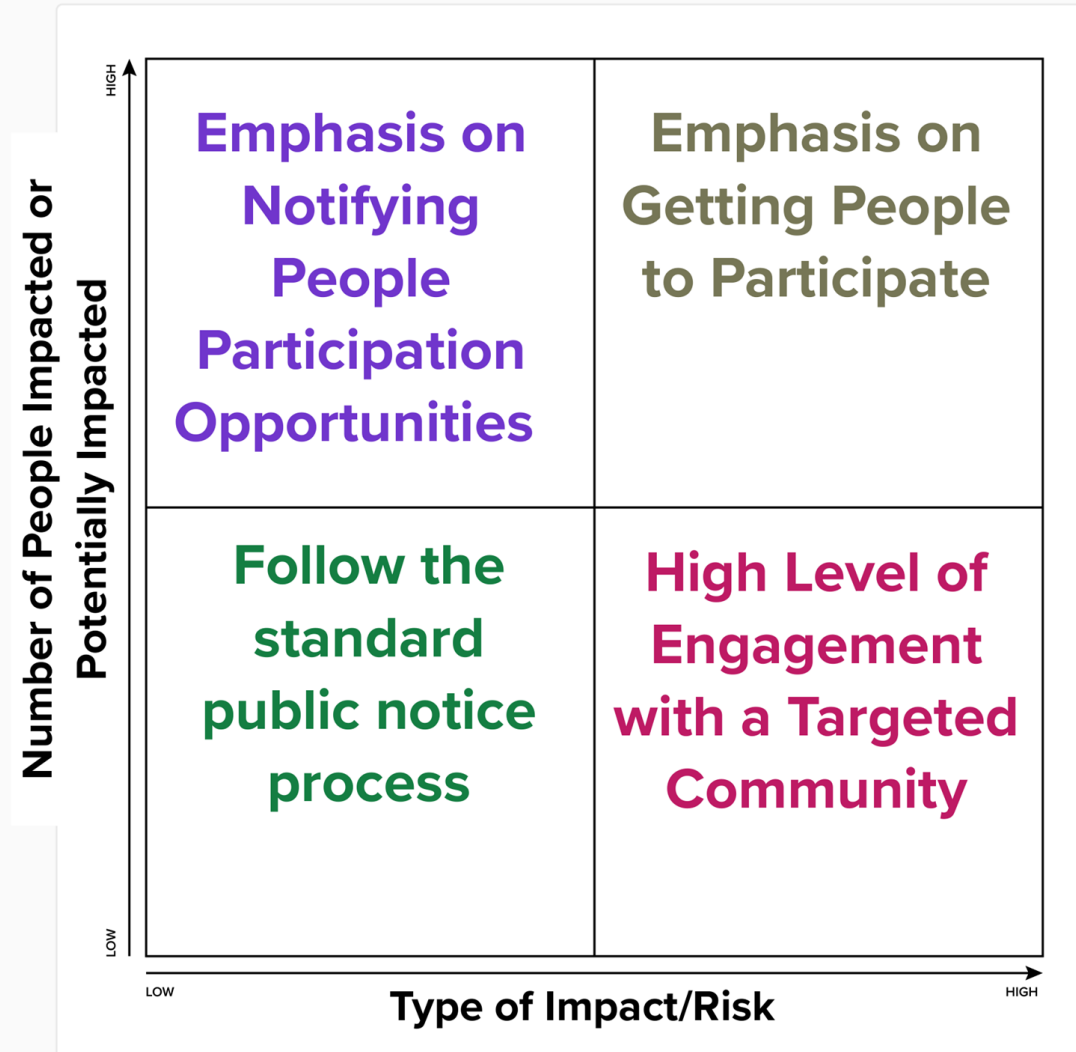


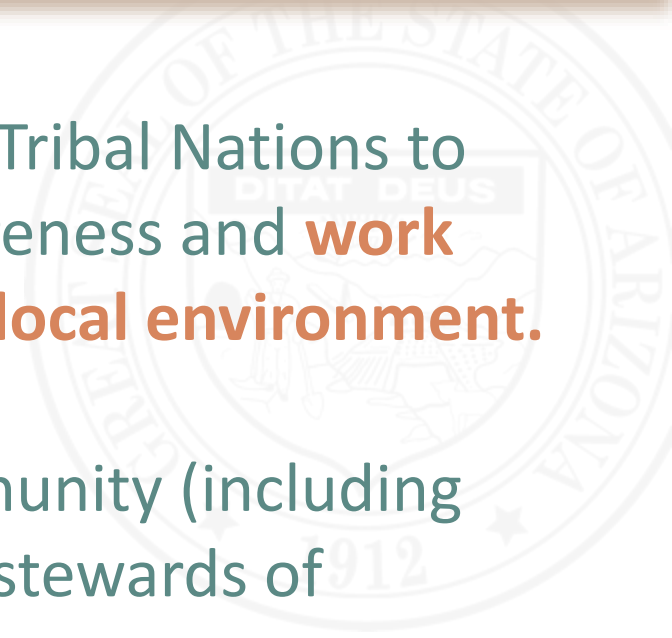
science/education

Volunteers

Strategic Engagement

ONE SIZE
DOESN'T FIT ALL





Partner with cities, towns, Tribal Nations to create environmental awareness and **work together to improve their local environment.**

Inform and train the community (including youth) on how to be good stewards of Arizona's unique environment.

Provide opportunities for people, cities, towns, stakeholders, Tribal Nations and organizations to **participate in ADEQ initiatives.**

Water Quality News and Happenings

Trevor Baggiore

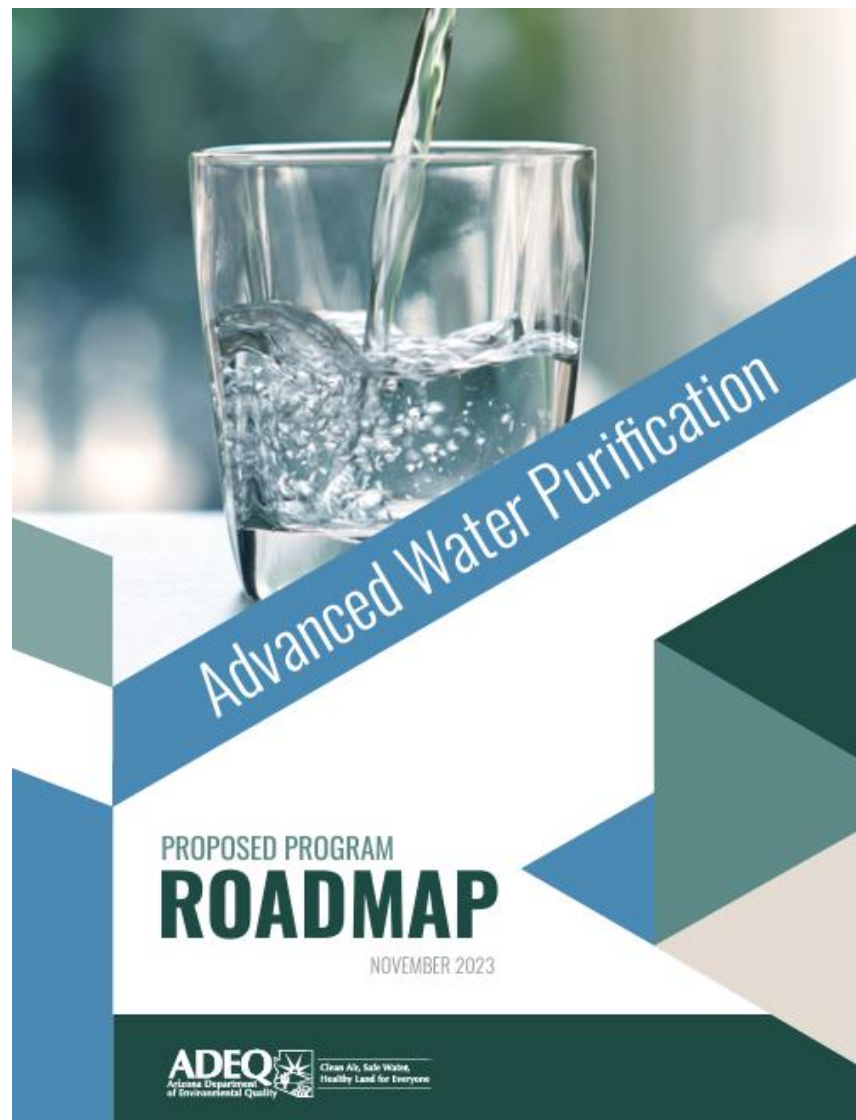
Water Quality Division Director

February 26, 2024

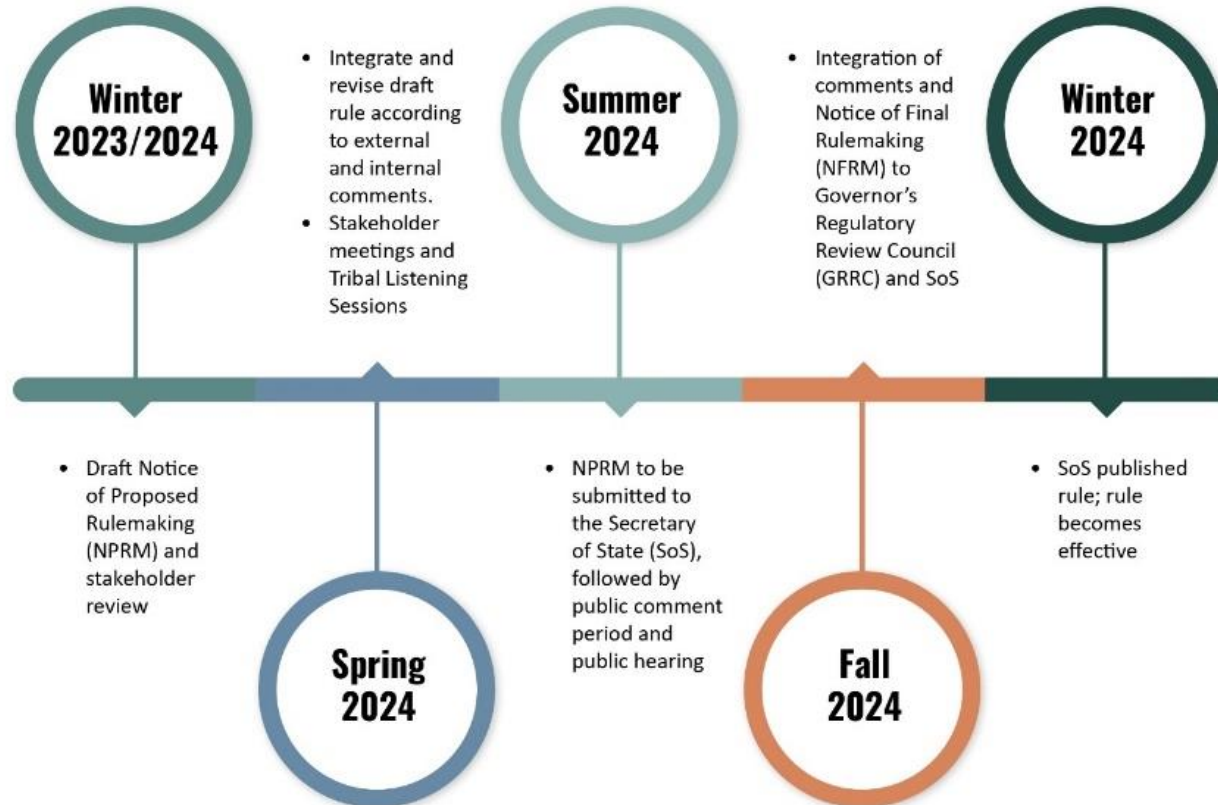


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Advanced Water Purification (AWP): Past & Present



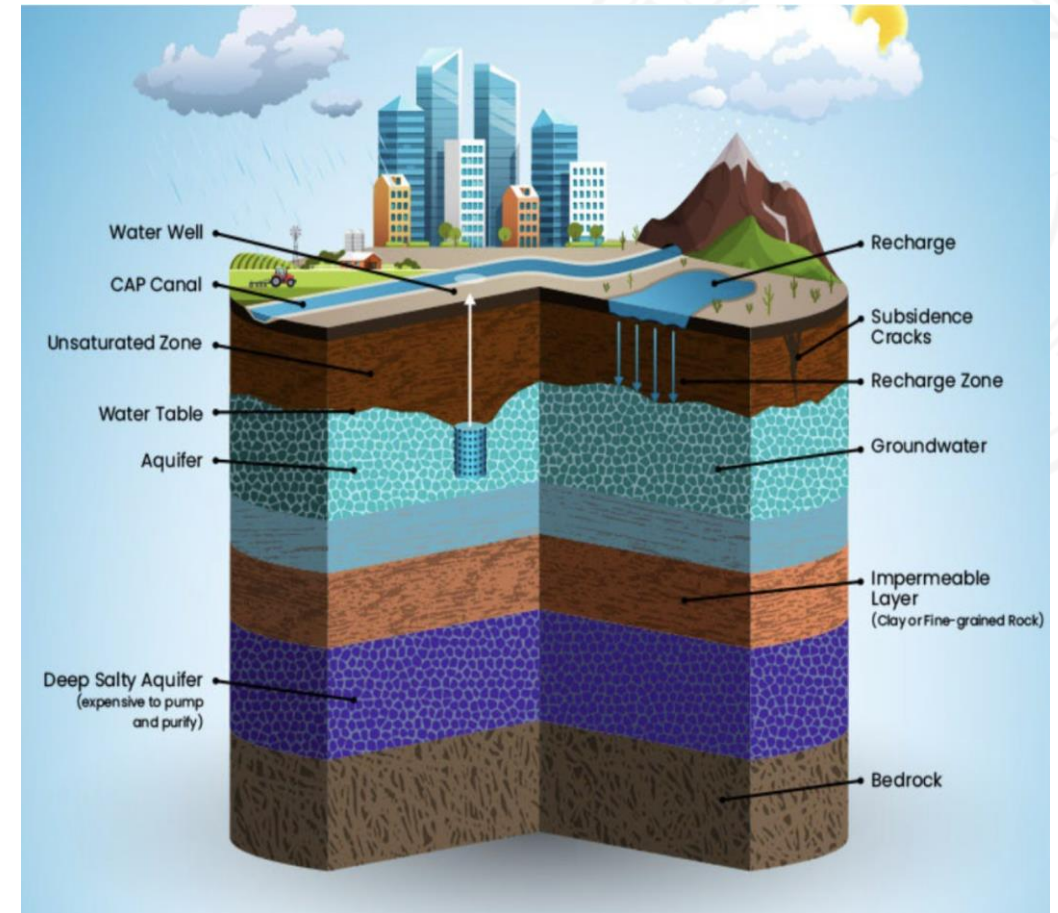
Cities considering AWP:

- Phoenix
- Scottsdale
- Clarkdale
- Cottonwood
- Flagstaff
- Goodyear
- Casa Grande
- Marana

azdeq.gov/awp-rulemaking

Aquifer Water Quality Standards (AWQS)

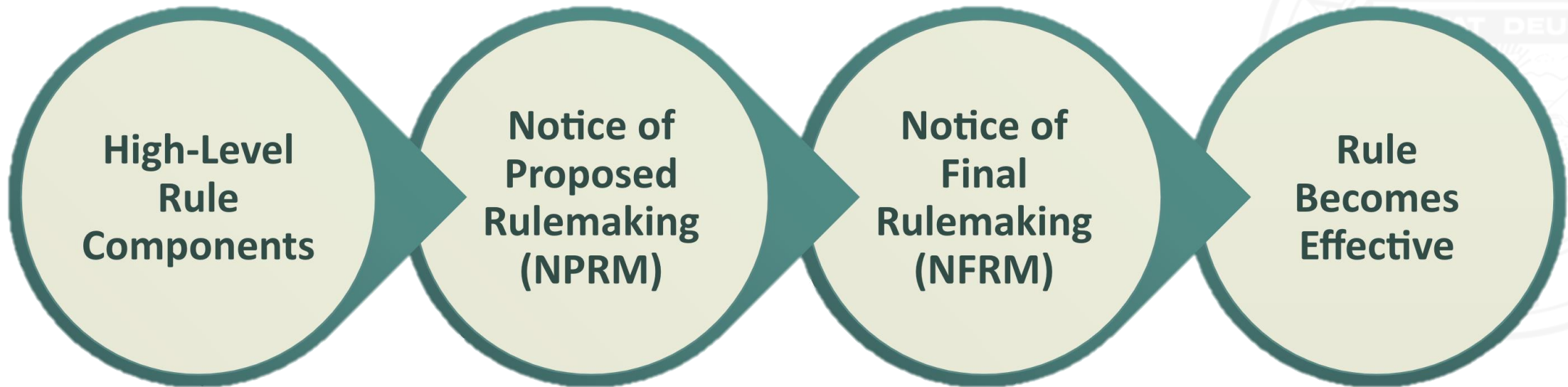
- What are AWQSs?
 - maximum contaminant levels, established for aquifers in the state of Arizona for the protection of drinking water usage and public health
- How are AWQSs used?
 - Aquifer Protection Permits (APP)
 - Remediation Programs
 - Water Quality Assurance Revolving Fund (WQARF)
 - Voluntary Remediation Program (VRP)
 - Underground Storage Tanks (UST)



What Standards Need to be Updated?

Pollutant	AWQS	MCL
Arsenic	0.05 mg/L	0.01 mg/L
Bromate	None	0.01 mg/L
Chlorite	None	1 mg/L
Haloacetic Acids	None	0.05 mg/L
Microbiological Contaminants	A.A.C. R18-11-406(F)	40 CFR 141.63(C)
Total Trihalomethanes	0.1 mg/L	0.08 mg/L
Uranium	None	30 µg/L

Aquifer Water Quality Standards (AWQS)



- AWQS Implementation Plan & Permit Schedule
- Voice of the Customer
December 2023 – February 2024

- NPRM: 30-Day Comment Period
- Conduct Stakeholder and Tribal Listening Session
February/March 2024

- Public Hearing
- Public comment period
April/May 2024

- Secretary of State Publishes NFRM **June 2024**
- Rule becomes effective approximately **September 1, 2024**

Safe Drinking Water Act

Proposed National Primary Drinking Water Regulation (3/2023)

CERCLA

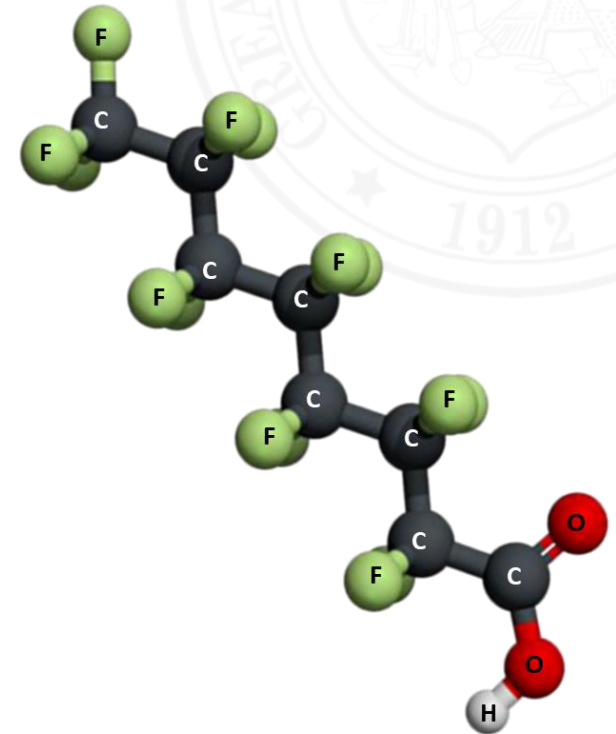
Proposed Hazardous Substance Designation (9/2022)

Clean Water Act

Draft Aquatic Life Ambient Water Quality Criteria (4/2022)

RCRA

Proposed Hazardous Constituent Designation (2/2024)



Waste Programs Division Update

Julie Riemenschneider
Director, Waste Programs Division
February 26, 2024



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Waste Programs Year in Review...

- Hazardous Waste Fees implemented
- Brownfield Grant Highlights
- UST & TSIP

What's coming in 2024...

- Solid Waste Fee Fund Bill
- CCR/ Frequency of Collection/ Transfer Station Rules
- WQARF funding needs
- PFAS mitigation/impact on remedial programs
- CERCLA site closures - associated funding need



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Hazardous Waste Fee Rule

- New Rule went into effect April 1, 2023
 - Brought fees current with inflation
 - established CPI calculator to adjust fees by April 1 of each year.
-
- What to expect this coming year
 1. New Rates will be published on our website
 2. R18-8-260(M)(1) was \$87 → now \$89.92 per ton
 3. R18-8-260(M)(1) max was \$258,000 → now \$266,648
 4. R18-8-270(G)(6) was \$175 per hr. → now \$180.87 per hr

The screenshot shows the U.S. Bureau of Labor Statistics website with the 'CPI Inflation Calculator' tool. The page title is 'CPI Inflation Calculator'. The navigation menu includes 'HOME', 'SUBJECTS', 'DATA TOOLS', 'PUBLICATIONS', 'ECONOMIC RELEASES', 'CLASSROOM', and 'BETA'. The breadcrumb trail is 'Bureau of Labor Statistics > Data Tools > Charts and Applications > Inflation Calculator'. The left sidebar contains links for 'TOP PICKS', 'SERIES REPORT', 'PUBLIC DATA API', 'DISCONTINUED DATABASES', 'FAQS', 'SPECIAL NOTICES', and 'MORE SOURCES OF DATA'. The main content area features the 'CPI Inflation Calculator' form with the following fields: a dollar sign (\$) followed by an input box; 'in' followed by a dropdown menu set to 'January' and a year dropdown set to '2000'; the text 'has the same buying power as'; 'in' followed by a dropdown menu set to 'August' and a year dropdown set to '2022'; and a blue 'Calculate' button.

WHAT IS A BROWNFIELD?

A site or property that...



- Is underused/abandoned
- Is contaminated – actual or perceived
- has potential for redevelopment



WELL-KNOWN FORMER BROWNFIELDS:



Lowell Observatory
Flagstaff, AZ



Tempe Marketplace
Tempe, AZ



Standin' On The Corner Park
Winslow, AZ

COMMON SITES



SCHOOLS



FIRE DEPARTMENTS



HOSPITALS



HOTELS AND MOTELS



DRY CLEANERS



AGING COMMERCIAL BUILDINGS

BROWNFIELDS CLEANUPS STRENGTHEN COMMUNITIES

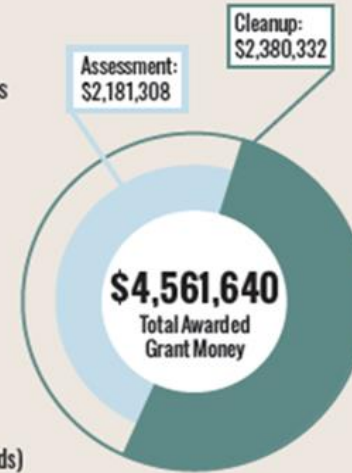


- Removing environmental hazards
- Creating jobs
- Promoting social opportunities
- Stimulating local economy

COMMON CONTAMINANTS



- Asbestos
- Lead
- Mold
- VOCs (volatile organic compounds)



BROWNFIELDS CLEANUPS

More than

90 sites

(2,056+ acres)
remediated for reuse in

45 AZ cities

since 2005

azdeq.gov

\$2 Million to perform Phase I and Phase II ESA's from 2023-2028.

- Bipartisan Infrastructure Law (BIL) currently provides an additional \$800K in cleanup funds on an annual basis

- Upcoming Workshops

April 23 (Willcox)

April 24 (Phoenix)

April 25 (Flagstaff)



UST's Tank Site Improvement Program (TSIP)

Reimbursement funding is available up to \$300,000 per facility, including:

- Up to \$200,000 per site for UST system replacement or modification
- Up to \$40,000 per event for baseline assessments
- Up to \$25,000 per tank for UST removal and up to \$15,000 per site for
- over-excavation of petroleum contamination, if required
- Up to \$20,000 per event for suspected release confirmation sampling

Fall 2023 – received 46 applications – approved 17
approx. \$4.2 million – 37% approval



UST's Tank Site Improvement Program (TSIP)

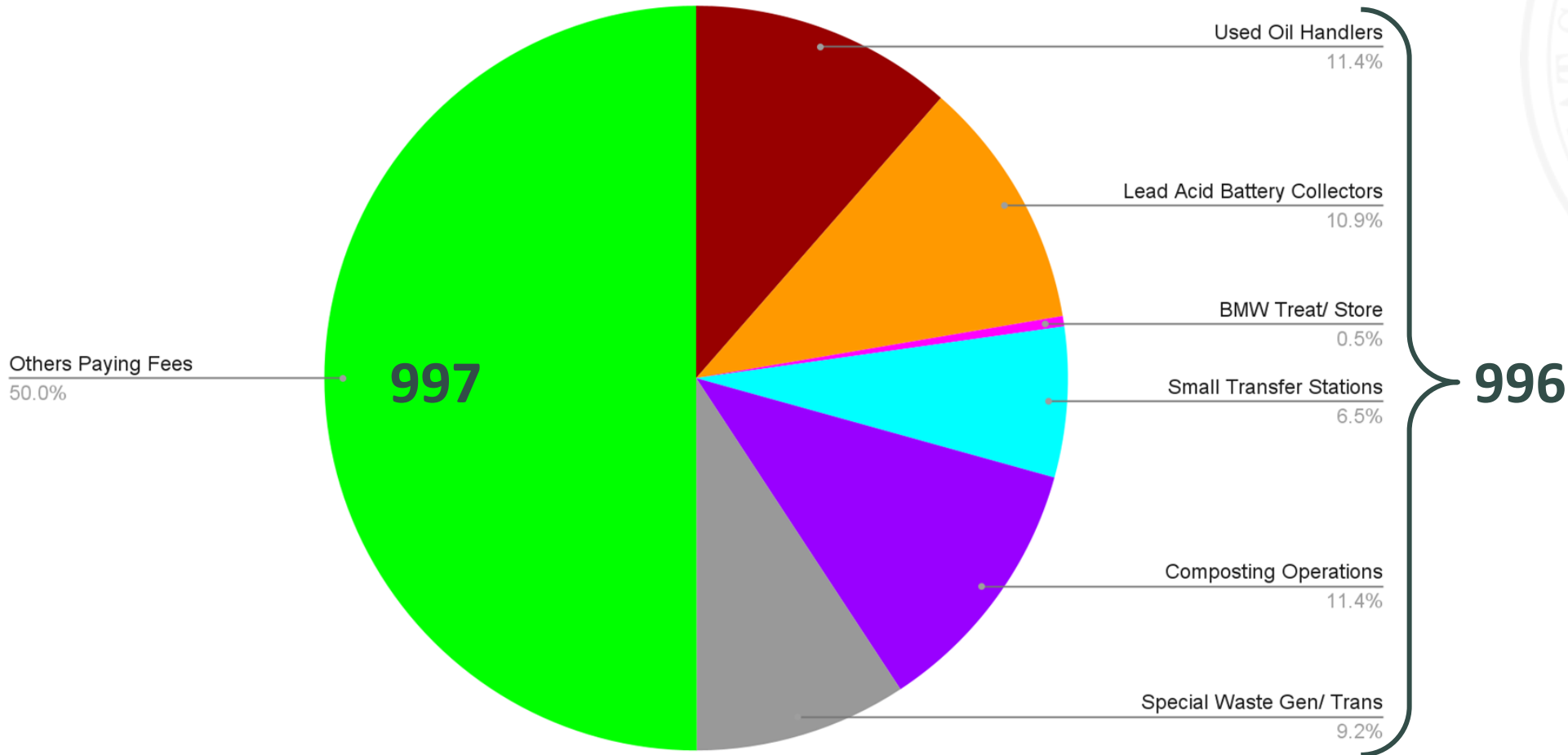
**TSIP submittal period (Spring 2024) will open March 1 – March 29,
2024 (5:00 PM)**

Suspected release confirmation (“site check”/environmental sampling activities only) applications are accepted year-round, the Spring 2024 submittal period is for all other categories of work (remove & replace, removal only, baseline assessment, and modification)

TSIP Questions may be emailed to to **usttsi@azdeq.gov** or directed to **Rick Brunton at (602) 771-4745** or **brunton.richard@azdeq.gov**

Solid Waste Fee Fund Bill

Solid Waste Regulated Entities



Key Elements

- Current Fees increase by CPI
- New Fees for services already being performed
- Depending on the bill we could start informal rulemaking by this summer

Coal Combustion Residuals (CCR)

- April 2022 HB2411 added CCR
- ADEQ begins stakeholder process
- Anticipate final rule to GRRC fall 2024
- Submit authorization package after the final rule is complete

Municipal Solid Waste Frequency of Collection (308)



- Establishes minimum standards for collection
- Anticipate final rule to GRRC fall of 2024 /submit package

Transfer Stations

- Feb. 2024 Exemption for rulemaking memo approved to start rule process

Closures – associated funding need

WQARF funding needs:

PFAS mitigation/impact on remedial programs

CERCLA site closures – associated funding needs





Air Quality News and Happenings

Daniel Czecholinski

Air Quality Division Director

February 26, 2024



Clean Air, Safe Water,
Healthy Land for Everyone

- Ozone Developments
- Good Neighbor Proposed Finding/FIP
- Revised PM2.5 NAAQS



Ozone Developments

- 11/17/2023 Finding of Failure to Submit state implementation plan (SIP) for Phoenix moderate ozone nonattainment area (NAA)
 - Triggered sanctions and federal implementation plan (FIP) “clocks.”
 - Unless failure cured:
 - By 5/17/2025, 2-for-1 offset sanctions will be imposed
 - By 11/17/2025, highway sanctions (loss of some federal highway funds) will be imposed
 - By 11/17/2025, EPA must impose FIP
- Phoenix NAA failed to meet 8/7/2023 ozone attainment deadline
 - NAA will be reclassified to serious
 - Nonattainment new source review (NNSR), a preconstruction permit program for industrial facilities, will apply to more facilities
 - Additional offsetting emission reductions will be required for new and expanded facilities subject to NNSR; hard to obtain in Phoenix area

What the State is Doing

- Working cooperatively with MAG, Maricopa and Pinal Counties to develop SIPs to (1) cure failure to submit moderate plan (2) satisfy serious area requirements (3) bring the NAA into compliance with federal health based standards. This includes:
 - Developing state-wide emissions inventory of ozone precursors to use in modeling to demonstrate attainment of National Ambient Air Quality Standard (NAAQS)
 - Participating in multi-agency workgroup to develop protocol for excluding emissions from “atypical events” (especially wildfires) from attainment modeling
 - Evaluating impact of EPA’s Good Neighbor Plan, an interstate ozone reduction program, on Phoenix NAA

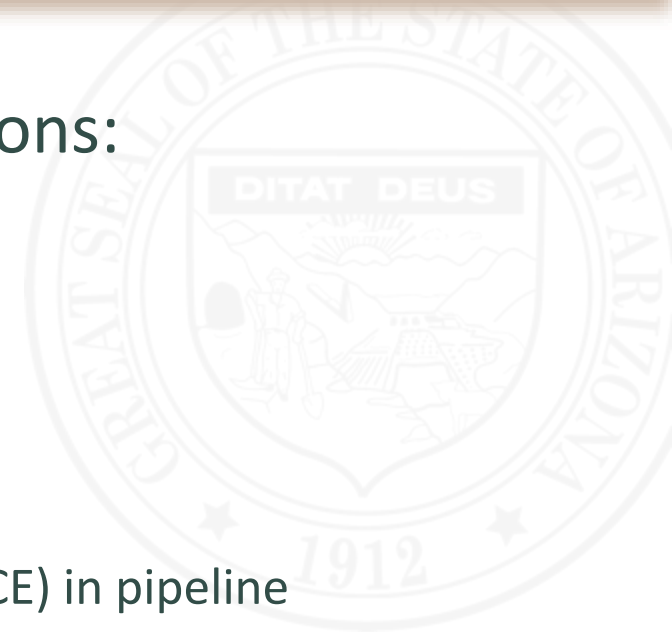
What the State is Doing (cont'd)

- Facilitating creation of emission reduction credits (ERCs) that can be used to meet the offset requirement of NNSR
 - Amended rules for state emissions bank in 2017 to allow deposit of ERCs from a wider array of sources
 - Worked with Intel and Maricopa County to secure ERCs from ADEQ-permitted facilities: generated 88 tons of NO_x ERCs
 - Encouraging EPA to approve Maricopa County Rules
 - 204, which allows creation of ERCs through electrification of truck stops, onsite equipment and transportation refrigeration units
 - 205, which allows creation of mobile source emission reduction credits

Good Neighbor Proposed Finding and FIP

- EPA proposed to partially approve and partially disapprove Arizona's SIP submission addressing interstate transport for the 2015 ozone National Ambient Air Quality Standards - known as the "Good Neighbor" rule
- This notice is awaiting publication in the Federal Register
- The proposal outlines plans to incorporate electric generating units (EGUs) and non-EGU industrial sources in Arizona to the 2015 ozone transport federal implementation plan (FIP - also known as the "Good Neighbor Plan")
- This proposal will increase the number of states subject to the Good Neighbor Plan to 28

- The Good Neighbor Plan includes the following provisions:
 - EGUs
 - NOx emissions cap
 - preset state emission budgets
 - emission trading program
 - Non-EGU industrial sources
 - emission limits on reciprocating internal combustion engines (RICE) in pipeline transportation of Natural Gas;
 - emission limits on kilns in Cement and Cement Product Manufacturing;
 - emission limits on boilers and reheat furnaces in Iron and Steel Mills and Ferroalloy Manufacturing;
 - emission limits on furnaces in Glass and Glass Product Manufacturing;
 - emission limits on boilers in Basic Chemical Manufacturing, Metal Ore Mining, Petroleum and Coal Products Manufacturing, and Pulp, Paper, and Paperboard Mills and combustors and incinerators in Solid Waste Combustors and Incinerators.

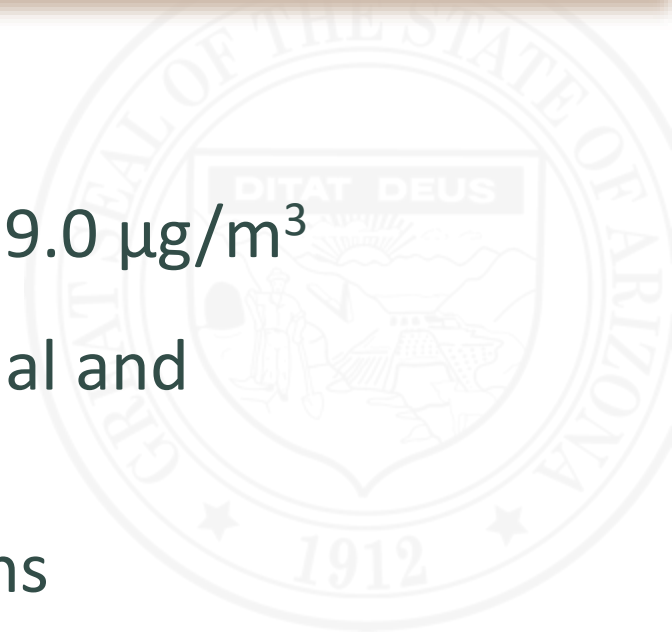


What the State is doing

- EPA published the NPRM on 2/16/24
- ADEQ is reaching out to impacted stakeholders to understand their concerns about the proposed plan and the potential impacts to their facility, sector, or community
- ADEQ will submit an additional detailed comment letter containing substantive comments on the proposal
- Public comment period ends 5/16/24



- Lowered annual PM_{2.5} NAAQS from 12 µg/m³ to 9.0 µg/m³
- Anticipate there to be new NAAs in Maricopa, Pinal and Santa Cruz counties
- ADEQ is lead agency for the boundary designations recommendations
- Governor's Office submits the recommendation to EPA
- EPA makes the final area designations



Revised PM_{2.5} NAAQS

Step	Deadline
Governor's recommended designation of all areas of the state as nonattainment, attainment, or unclassifiable	1 year after NAAQS promulgation – February 2025
EPA designation of all areas of the state as (moderate) nonattainment, attainment, or unclassifiable	2 years after NAAQS promulgation – February 2026
Submission of infrastructure SIP revisions	3 years after NAAQS promulgation – February 2027
Submission of NAA SIP revisions	18 months after designations – August 2027

Designation – ADEQ Process

Step	Deadline
<ul style="list-style-type: none">• Post draft of recommendations and technical support document (TSD) to ADEQ website• Provide notice of hearing and opportunity for public comment	7 to 8 months after NAAQS promulgation
Public hearing and close of public comment period	319 days after NAAQS promulgation
<ul style="list-style-type: none">• Finalize proposed recommendations and TSD• Prepare response to comments• Submit to Governor	11 months after NAAQS promulgation
Post final proposed recommendations to ADEQ website	5 days after submission to Governor
Post Governor's recommendations to ADEQ website	5 days after submission to EPA

- Prevention of Significant Deterioration (PSD) permitting
 - Applies in areas designated as attainment or unclassifiable
 - For PSD permits, the owner/operator of a source seeking a permit must commit to using Best Available Control Technology (BACT)
- Air quality modeling is used to determine if a new or modified source will not cause or contribute to a NAAQS violation or to an exceedance of a PSD increment intended to limit degradation of air quality
- The new NAAQS will be effective 60 days after the promulgation appears in the Federal Register

Thank you for your time today! Questions?

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Healthy Land for Everyone
