

MEMO TO: SWANA – Arizona Board of Directors
FROM: James Peck, Arizona SWANA Legislative Liaison,
SUBJECT: Legislative Update
DATE: January 7, 2008

ADEQ Regulations:

ADEQ has collected an extensive amount of comments on the draft Integrated Solid Waste Management Rule. The ADEQ has scheduled a series of workshops to seek resolution of issues that have been raised by stakeholders on the draft rule text dated 9-10-07. A summary of the comments received through November 29, 2007, is available on the ADEQ website [<http://www.azdeq.gov/environ/waste/solid/integrated.html>]. ADEQ expects that stakeholders will continue to provide comments until the workshops noted below begin in January. The summary of stakeholder comments received will be updated periodically.

All the workshops will be held at the following location:
ADEQ Third Floor Conference Room
Arizona Department of Environmental Quality
1110 W. Washington St.
Phoenix, AZ 85007

The days, dates, times, and subject matter (referring to the articles that appear in the 9-10-07 draft), of the workshops are:

Thursday, January 10, 2008, 1:30 to 4:30 pm

Article 4. Solid Waste Facilities; General Requirements

Article 5. Procedural Requirements for Solid Waste Facilities Subject to Self- certification and Plan Approval

Article 18. Financial Responsibility for Solid Waste Facilities

Wednesday, January 23, 2008, 1:30 to 4:30 pm

Article 6. On-site Solid Waste Handling Facilities

Article 7. Intermediate Solid Waste Handling Facilities

Article 8. Solid Waste Treatment Facilities

Tuesday, February 5, 2008, 1:30 to 4:30 pm

Article 9. Solid Waste Composting Facilities

Thursday, February 14, 2008, 1:30 to 4:30 pm

Article 10. Recycling Facilities

Wednesday, February 20, 2008, 1:30 to 4:30 pm

Article 11. Municipal Solid Waste Landfills; Solid Waste Land Disposal Facilities; Closure and Post-closure for Specified Facilities Subject to Plan Approval; Biosolids Processing Facilities

Thursday, March 6, 2008, 1:30 to 4:30 pm

Article 3. Solid Waste; General Requirements

Thursday, March 13, 2008, 1:30 to 4:30 pm

Miscellaneous topics; “cleanup” of outstanding issues

Thursday, April 10, 2008, 1:30 to 4:30 pm

Review of revised draft

State Bills:

The second legislative session of Arizona's 48th legislature will be starting up business later this month. The deadline for bills introduced in the Senate is February 4, 2008, and the deadline for introducing bills in the House is February 11, 2008. We should have a better picture of the bills that would be considered of interest to SWANA.

Maricopa County Rules:

The comment period for the revision to Rule 280-Fees closed on January 4, 2008. This revision will establish new air permit processing and administrative fees for permitted facilities in Maricopa County. Most notably, the annual administrative fee for a Title V air permit for landfills will increase from \$11,800 to \$18,140.

Federal Legislation/Regulation:

On December 26, 2007 President Bush signed into law H.R. 2764, the Consolidated Appropriations Act of 2008, which includes a one-year provision that gives states the ability to regulate solid waste facilities along rail lines. Up to this point, states have not been allowed to regulate rail-based solid waste facilities for environmental, health and safety protection because the Surface Transportation Board had been granted exclusive jurisdiction over these facilities under the Interstate Commerce Commission Termination Act. The new law will essentially require the Surface Transportation Board to get permission from a state before it allows any entity to operate a solid waste facility along a rail line.

There has been no significant movement recently on the bills we've been following in Congress recently, including:

[Interstate Solid Waste Importation and Management Act of 2007 \(H.R. 518\)](#)

Amends the Solid Waste Disposal Act to authorize States to restrict receipt of foreign municipal solid waste and implement the Agreement Concerning the Transboundary Movement of Hazardous Waste between the United States and Canada, and for other purposes. Passed the House on April 24, 2007. Currently in the Senate Committee of Environment and Public Works.

[Solid Waste Interstate Transportation Act of 2007 \(HR 274\)](#)

Imposes limitations on the receipt of out of state MSW at landfills/incinerators. A presumptive ban unless (a) there is a host community agreement, or (b) a listed exemption applies (such as an existing permit condition or an existing contract.) Referred to Committee on February 2, 07.

[State Waste Empowerment and Enforcement Provision Act of 2007 \(HR 70\).](#)

Authorizes states to regulate waste imports. Referred to Committee on February 2, 07.

[Solid Waste Compact Act of 2007 \(HR 387\).](#)

Authorizes states to ban waste imports from other states.

[Clean-up of Methamphetamines Act \(HR 955\)](#)

Includes grant monies for responding to and disposal of wastes from methamphetamine labs, new enforcement provisions. Currently in the House Judiciary Committee.

[National Computer Recycling Act of 2007 \(HR 233\)](#)

Creates a grant fee program through EPA to promote computer recycling through fees imposed on the sale of computers and monitors.

[Senate Bill 964 was introduced on March 22, 2007.](#) This bill requires 5-axle single-trailer trucks transporting solid waste for at least 200 miles on the National Highway System to federal highway routing of hazardous materials requirements. States and Indian tribes will be required to designate specific highway routes over which solid waste may be transported. It also requires the Secretary of Transportation to prescribe standards for states and Indian tribes to carry out such requirements.