



Bill Text: AZ HB2330 | 2017 | Fifty-third Legislature 1st Regular | Introduced

Arizona House Bill 2330

Bill Title: Water augmentation systems; tax credit

Spectrum: Partisan Bill (Republican 3-0)

Status: (Introduced) 2017-02-15 - House WM Committee action: Do Pass, voting: (8-0-0-1-0-0) [HB2330 Detail]

Download: Arizona-2017-HB2330-Introduced.html

REFERENCE TITLE: **water augmentation systems; tax credit**

State of Arizona
House of Representatives
Fifty-third Legislature
First Regular Session
2017

HB 2330

Introduced by
Representatives Campbell; Stringer, Senator Fann

AN ACT

AMENDING SECTION 43-222, ARIZONA REVISED STATUTES; AMENDING TITLE 43, CHAPTER 10, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTION 43-1090.01; RELATING TO INDIVIDUAL INCOME TAX CREDITS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 43-222, Arizona Revised Statutes, is amended to read:

43-222. Income tax credit review schedule

The joint legislative income tax credit review committee shall review the following income tax credits:

1. For years ending in 0 and 5, sections 43-1079.01, 43-1087, 43-1088, 43-1089.04, 43-1167.01 and 43-1175.
2. For years ending in 1 and 6, sections 43-1074.02, 43-1083, 43-1083.02, 43-1085.01, 43-1164.02, 43-1164.03 and 43-1183.
3. For years ending in 2 and 7, sections 43-1073, 43-1079, 43-1080, 43-1085, 43-1086, 43-1089, 43-1089.01, 43-1089.02, 43-1089.03, 43-1090, **43-1090.01**, 43-1164, 43-1167, 43-1169, 43-1176 and 43-1181.
4. For years ending in 3 and 8, sections 43-1074.01, 43-1081, 43-1168, 43-1170 and 43-1178.
5. For years ending in 4 and 9, sections 43-1076, 43-1076.01, 43-1081.01, 43-1083.01, 43-1083.04, 43-1084, 43-1162, 43-1162.01, 43-1164.01, 43-1164.05, 43-1170.01 and 43-1184 and, beginning in 2019, sections 43-1083.03 and 43-1164.04.

Sec. 2. Title 43, chapter 10, article 5, Arizona Revised Statutes, is amended by adding section 43-1090.01, to read:

43-1090.01. Credit for residential water augmentation systems

A. SUBJECT TO THE REQUIREMENTS OF THIS SECTION, FOR TAXABLE YEARS BEGINNING FROM AND AFTER DECEMBER 31, 2017 THROUGH JANUARY 1, 2026, A CREDIT IS ALLOWED AGAINST THE TAXES IMPOSED BY THIS TITLE FOR EACH RESIDENT WHO IS NOT A DEPENDENT OF ANOTHER TAXPAYER FOR INSTALLING A RESIDENTIAL WATER AUGMENTATION SYSTEM DURING THE TAXABLE YEAR IN THE TAXPAYER'S RESIDENCE LOCATED IN THIS STATE. A PERSON WHO INSTALLS A WATER AUGMENTATION SYSTEM DESCRIBED IN THIS SECTION SHALL FURNISH TO THE TAXPAYER AN ACCOUNTING OF THE COST OF THE SYSTEM.

B. THE AMOUNT OF THE CREDIT IS EQUAL TO TWENTY-FIVE PERCENT OF THE COST OF THE SYSTEM BUT NOT EXCEEDING ONE THOUSAND DOLLARS. A TAXPAYER MAY CLAIM THE CREDIT UNDER THIS SECTION ONLY ONCE IN A TAXABLE YEAR AND MAY NOT CUMULATE OVER DIFFERENT TAXABLE YEARS TAX CREDITS UNDER THIS SECTION EXCEEDING, IN THE AGGREGATE, ONE THOUSAND DOLLARS FOR THE SAME RESIDENCE.□ A HUSBAND AND WIFE WHO FILE SEPARATE RETURNS FOR A TAXABLE YEAR IN WHICH THEY COULD HAVE FILED A JOINT RETURN MAY EACH CLAIM ONLY ONE-HALF OF THE TAX CREDIT THAT WOULD HAVE BEEN ALLOWED FOR A JOINT RETURN.

C. TO QUALIFY FOR THE CREDIT UNDER THIS SECTION, A RESIDENTIAL WATER AUGMENTATION SYSTEM MUST BE EITHER OR BOTH OF THE FOLLOWING:

1. A SYSTEM OR A SERIES OF COMPONENTS OR MECHANISMS THAT IS DESIGNED TO PROVIDE FOR THE COLLECTION OF RAINWATER ON RESIDENTIAL PROPERTY, INCLUDING STORAGE DEVICES CAPABLE OF STORING RAINWATER FOR FUTURE USE AND REUSING THE COLLECTED WATER ON THE SAME PROPERTY. A RAINWATER HARVESTING SYSTEM THAT WAS INSTALLED BY THE BUILDER OF A HOUSE OR DWELLING UNIT BEFORE TITLE WAS CONVEYED TO THE TAXPAYER DOES NOT QUALIFY FOR A CREDIT UNDER THIS SECTION.

2. A RESIDENTIAL GRAYWATER SYSTEM THAT IS INSTALLED ON RESIDENTIAL PROPERTY AND THAT IS NOT CONNECTED TO A CENTRALIZED PUBLIC OR PRIVATE SEWAGE COLLECTION FACILITY, BUT INSTEAD USES AN ON-SITE WASTEWATER COLLECTION SYSTEM.□ THE GRAYWATER SYSTEM MUST COMPLY WITH RULES ADOPTED BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY THAT RELATE TO THE RECOVERY AND DISPOSAL OF GRAYWATER. GRAYWATER SYSTEMS AND STUB OUTS THAT WERE INSTALLED BY THE BUILDER OF A HOUSE OR DWELLING UNIT BEFORE TITLE WAS CONVEYED TO THE TAXPAYER DO NOT QUALIFY FOR A CREDIT UNDER THIS SECTION.

D. IF THE ALLOWABLE TAX CREDIT EXCEEDS THE TAXES OTHERWISE DUE UNDER THIS TITLE ON THE CLAIMANT'S INCOME, OR IF THERE ARE NO TAXES DUE UNDER THIS TITLE, THE AMOUNT OF THE CLAIM NOT USED TO OFFSET TAXES UNDER THIS TITLE MAY BE CARRIED FORWARD FOR NOT MORE THAN FIVE CONSECUTIVE TAXABLE YEARS AS A CREDIT AGAINST SUBSEQUENT YEARS' INCOME TAX LIABILITY.

E. BEGINNING FROM AND AFTER DECEMBER 31, 2017, THE DEPARTMENT SHALL RECEIVE AND EVALUATE APPLICATIONS THAT ARE SUBMITTED BY TAXPAYERS TO RECEIVE A CREDIT UNDER THIS SECTION.□ A TAXPAYER MUST APPLY FOR THE CREDIT ON A FORM THAT IS PRESCRIBED BY AND FILED WITH THE DEPARTMENT, AND THE DEPARTMENT SHALL ISSUE A RECEIPT TO THE APPLICANT.□ THE APPLICATION SHALL INCLUDE:

1. THE APPLICANT'S NAME, ADDRESS AND SOCIAL SECURITY NUMBER OR FEDERAL EMPLOYER IDENTIFICATION NUMBER.

2. THE AMOUNT OF THE COST OF THE RESIDENTIAL WATER AUGMENTATION SYSTEM AND THE AMOUNT FOR WHICH THE CREDIT IS CLAIMED.

3. ANY ADDITIONAL INFORMATION THE DEPARTMENT REQUIRES.

F. THE DEPARTMENT SHALL REVIEW EACH APPLICATION IT RECEIVES UNDER SUBSECTION E OF THIS SECTION AND CERTIFY TO THE TAXPAYER THE AMOUNT OF THE CREDIT THAT IS AUTHORIZED.□ THE DEPARTMENT MAY NOT CERTIFY TAX CREDITS UNDER THIS SUBSECTION EXCEEDING TWO HUNDRED FIFTY THOUSAND DOLLARS FOR ANY CALENDAR YEAR. IF QUALIFYING APPLICATIONS EXCEED TWO HUNDRED FIFTY THOUSAND DOLLARS, THE DEPARTMENT SHALL AUTHORIZE CREDITS IN THE ORDER OF THE DATE THAT THE APPLICATIONS ARE RECEIVED BY THE DEPARTMENT. IF AN APPLICATION IS RECEIVED THAT, IF AUTHORIZED, WOULD REQUIRE THE DEPARTMENT TO EXCEED THE TWO HUNDRED FIFTY THOUSAND DOLLAR LIMIT, THE DEPARTMENT SHALL GRANT THE APPLICANT ONLY THE REMAINING CREDIT AMOUNT THAT WOULD NOT EXCEED THE LIMIT.□ AFTER THE DEPARTMENT AUTHORIZES TWO HUNDRED FIFTY THOUSAND DOLLARS IN TAX CREDITS, THE DEPARTMENT SHALL DENY ANY SUBSEQUENT APPLICATIONS THAT ARE RECEIVED IN THAT CALENDAR YEAR.□ THE DEPARTMENT MAY NOT AUTHORIZE ANY ADDITIONAL TAX CREDITS THAT EXCEED THE TWO HUNDRED FIFTY THOUSAND DOLLAR LIMIT EVEN IF THE AMOUNTS THAT HAVE BEEN CERTIFIED TO ANY TAXPAYER WERE NOT CLAIMED OR A TAXPAYER OTHERWISE FAILS TO MEET THE REQUIREMENTS TO CLAIM THE ADDITIONAL CREDIT.

G. THE DEPARTMENT MAY VERIFY THAT A RESIDENTIAL WATER AUGMENTATION SYSTEM HAS BEEN INSTALLED IN THE TAXPAYER'S RESIDENCE.

Sec. 3. Purpose

Pursuant to section 43-223, Arizona Revised Statutes, the legislature enacts section 43-1090.01, Arizona Revised Statutes, as added by this act, to encourage taxpayers to install residential water augmentation systems to provide for the collection of rainwater or residential graywater for future reuse of the reclaimed water by the taxpayer on the taxpayer's property.

Sec. 4.□ Effective date; applicability

This act is effective and applies to taxable years beginning from and after December 31, 2017.



Bill Text: AZ HB2152 | 2017 | Fifty-third Legislature 1st Regular | Engrossed

Arizona House Bill 2152

Bill Title: Emissions credits; voluntary emissions bank

Spectrum: Partisan Bill (Republican 1-0)

Status: (Engrossed) 2017-02-28 - Senate read second time [HB2152 Detail]

Download: Arizona-2017-HB2152-Engrossed.html

House Engrossed

State of Arizona
House of Representatives
Fifty-third Legislature
First Regular Session
2017

HOUSE BILL 2152

AN ACT

AMENDING SECTION 49-410, ARIZONA REVISED STATUTES; RELATING TO AIR QUALITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 49-410, Arizona Revised Statutes, is amended to read:

49-410. Voluntary Arizona emissions bank; definitions

A. The department ~~of environmental quality~~ shall establish and administer ~~an~~ **A VOLUNTARY** Arizona emissions bank **FOR REGISTERING THE DEPOSIT, TRANSFER AND USE OF EMISSION REDUCTION CREDITS**. The department shall make information on **EMISSION REDUCTION** credits deposited in the **VOLUNTARY** Arizona emissions bank easily accessible to ~~the Arizona commerce authority and to~~ the public.

B. ~~After the effective date of rules adopted pursuant to subsection D of this section, a permitted source that reduces emissions of particulate matter, sulfur dioxide, carbon monoxide, nitrogen dioxide, or volatile organic compounds by an amount greater than that required by applicable law, rule, permit or order shall be granted credit in an amount to be determined by the department of environmental quality. The credit shall be deposited into the Arizona emissions bank. THIS STATE, ANY POLITICAL SUBDIVISION OF THIS STATE AND ANY PERSON THAT REDUCES QUALIFYING EMISSIONS MAY APPLY TO THE DEPARTMENT TO CERTIFY EMISSION REDUCTION CREDITS TO BE DEPOSITED INTO THE VOLUNTARY ARIZONA EMISSIONS BANK. To be creditable ELIGIBLE for CERTIFICATION AND deposit in the VOLUNTARY Arizona emissions bank, the reduction in QUALIFYING emissions shall be permanent, quantifiable, SURPLUS, REAL and otherwise enforceable and shall occur after August 6, 1999. This section does not prohibit a source AN ACTIVITY from receiving credit by means other than the VOLUNTARY Arizona emissions bank for emissions reductions that occurred before August 6, 1999.~~

C. The department ~~of environmental quality~~ shall ~~register, certify or otherwise approve the amount of the credit~~ **ACT ON AN APPLICATION SUBMITTED UNDER SUBSECTION B OF THIS SECTION AND CERTIFY THE AMOUNT OF THE EMISSION REDUCTION CREDITS UNDER RULES ADOPTED PURSUANT TO SUBSECTION D OF THIS SECTION** before the ~~credit is banked~~ **CREDITS MAY BE DEPOSITED** and used to offset future increases in the emissions of air pollutants. ~~The credit may be used, traded, sold or otherwise expended within the same nonattainment area, maintenance area or modeling domain in which the emissions reduction occurred, only if there will be no adverse impact on air quality.~~ Pursuant to title 41, chapter 6, article 8, the department may delegate certification of ~~emissions~~ **EMISSION REDUCTION** credits to a county or multi-county air quality control region, but shall retain authority to register **THE DEPOSIT, TRANSFER AND USE OF EMISSION REDUCTION** credits and administer the **VOLUNTARY** Arizona emissions bank.

D. ~~On or before January 1, 2002,~~ The department ~~of environmental quality~~ shall adopt rules for the implementation and administration of the VOLUNTARY Arizona emissions bank, and establish the criteria the department will use to determine the ELIGIBILITY OF REDUCTIONS IN QUALIFYING EMISSIONS FOR EMISSION REDUCTION CREDITS AND THE amount of the ~~emissions-credit~~ CREDITS. EXCEPT TO THE EXTENT OTHERWISE REQUIRED BY THE CLEAN AIR ACT, THE RULES SHALL PROVIDE FOR THE AWARD OF EMISSION REDUCTION CREDITS EQUAL TO THE FULL AMOUNT OF REDUCTIONS IN QUALIFYING EMISSIONS THAT ARE PERMANENT, QUANTIFIABLE, SURPLUS, REAL AND OTHERWISE ENFORCEABLE. The department shall establish by rule a fee system to ~~administer~~ COVER THE REASONABLE COSTS OF ADMINISTERING the VOLUNTARY Arizona emissions bank. A county that has been delegated authority to certify ~~emissions~~ EMISSION REDUCTION credits pursuant to subsection C of this section ~~shall~~ MAY establish a fee system to cover the reasonable costs of certification in accordance with section 49-112, subsection B. ~~In setting the fee, the director and a county shall consider the likely economic value of the credits and shall set a fee that does not discourage the banking of emissions credit.~~

E. ~~The program established by this section ends on July 1, 2019.~~ EXCEPT TO THE EXTENT OTHERWISE REQUIRED BY THE CLEAN AIR ACT, UNTIL USED OR VOLUNTARILY RETIRED BY THE OWNER, EMISSION REDUCTION CREDITS DEPOSITED IN THE BANK:

1. DO NOT EXPIRE.

2. SHALL BE IDENTIFIED AND ACCOUNTED FOR IN THE STATE IMPLEMENTATION PLAN CONTROL STRATEGY FOR THE AREA IN WHICH THE REDUCTION IN EMISSIONS OCCURRED.

3. MAY NOT BE REDUCED OR WITHDRAWN WITHOUT PERMISSION OF THE OWNER.

F. NOTWITHSTANDING ANY OTHER LAW, THIS SECTION DOES NOT DIRECTLY OR INDIRECTLY AUTHORIZE THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE TO ESTABLISH NEW OR MORE STRINGENT EMISSIONS REGULATIONS THAN PROVIDED IN EXISTING LAW FOR STATIONARY OR MOBILE SOURCES.

G. A FLEET OWNER THAT APPLIES FOR EMISSION REDUCTION CREDITS PURSUANT TO THIS SUBSECTION SHALL SPECIFY THE COMPOSITION OF ITS PROPOSED PARTICIPATING FLEET.

H. FOR THE PURPOSES OF THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "EMISSION REDUCTION CREDIT" MEANS A REDUCTION IN QUALIFYING EMISSIONS THAT HAS BEEN CERTIFIED FOR POTENTIAL USE AS AN OFFSETTING EMISSION REDUCTION IN A PERMIT ISSUED UNDER THIS CHAPTER, INCLUDING A PERMIT REQUIRED BY SECTION 173 OF THE CLEAN AIR ACT.

2. "QUALIFYING EMISSIONS" MEANS EMISSIONS OF ANY CONVENTIONAL AIR POLLUTANT, OTHER THAN ELEMENTAL LEAD, OR ANY PRECURSOR OF A CONVENTIONAL AIR POLLUTANT FROM ANY ACTIVITY. QUALIFYING EMISSIONS DOES NOT INCLUDE EMISSIONS FROM A FLEET OF MOTOR VEHICLES IF THE FLEET OPERATES OUTSIDE OF A NONATTAINMENT AREA. NOTWITHSTANDING THIS EXCLUSION, REDUCTIONS IN QUALIFYING EMISSIONS THAT ARE ACHIEVED THROUGH TRUCK STOP ELECTRIFICATION ARE ELIGIBLE FOR DEPOSIT IN THE VOLUNTARY ARIZONA EMISSIONS BANK IF THE NUMBER OF TRUCK STOP PARKING SPOTS IS NOT REDUCED AND NOT MORE THAN ONE HALF OF THE TRUCK STOP PARKING SPOTS ARE CONVERTED TO ELECTRIC PLUG-IN PARKING SPOTS.



Bill Text: AZ SB1113 | 2017 | Fifty-third Legislature 1st Regular | Introduced

Arizona Senate Bill 1113

Bill Title: HOAs; artificial grass ban prohibited

Spectrum: Partisan Bill (Republican 1-0)

Status: (Introduced) 2017-01-25 - Senate GOV Committee action: Do Pass, voting: (6-1-0-0) [SB1113 Detail]

Download: Arizona-2017-SB1113-Introduced.html

REFERENCE TITLE: **HOAs; artificial grass ban prohibited**

State of Arizona
Senate
Fifty-third Legislature
First Regular Session
2017

SB 1113

Introduced by
Senator Kavanagh

AN ACT

AMENDING TITLE 33, CHAPTER 16, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 33-1819; RELATING TO PLANNED COMMUNITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 33, chapter 16, article 1, Arizona Revised Statutes, is amended by adding section 33-1819, to read:

33-1819. **Artificial grass ban prohibited; restrictions; attorney fees**

A. NOTWITHSTANDING ANY PROVISION IN THE COMMUNITY DOCUMENTS, IN ANY PLANNED COMMUNITY THAT ALLOWS GRASS ON A MEMBER'S PROPERTY, AN ASSOCIATION SHALL NOT PROHIBIT THE INSTALLATION OR USE OF ARTIFICIAL GRASS ON ANY MEMBER'S PROPERTY.

B. AN ASSOCIATION MAY ADOPT REASONABLE RULES REGARDING THE INSTALLATION AND APPEARANCE OF ARTIFICIAL GRASS IF THOSE RULES DO NOT PREVENT THE INSTALLATION OR USE OF THE ARTIFICIAL GRASS. THE ASSOCIATION MAY REJECT OR REQUIRE THE REMOVAL OF A MEMBER'S ARTIFICIAL GRASS IF THE ARTIFICIAL GRASS CREATES A HEALTH OR SAFETY ISSUE THAT THE MEMBER DOES NOT CORRECT.

C. NOTWITHSTANDING ANY PROVISION IN THE COMMUNITY DOCUMENTS, THE COURT SHALL AWARD REASONABLE ATTORNEY FEES AND COSTS TO ANY PARTY THAT PREVAILS AS DETERMINED BY THE COURT IN AN ACTION AGAINST THE ASSOCIATION FOR A VIOLATION OF THIS SECTION.



Bill Text: AZ HB2265 | 2017 | Fifty-third Legislature 1st Regular | Introduced

Arizona House Bill 2265

Bill Title: Clean power; state plan; standards

Spectrum: Partisan Bill (Democrat 7-0)

Status: (Introduced) 2017-02-07 - House EENR Committee action: Failed To Pass, voting: (3-6-0-0-0-0) [HB2265 Detail]

Download: Arizona-2017-HB2265-Introduced.html

REFERENCE TITLE: **clean power; state plan; standards**

State of Arizona
House of Representatives
Fifty-third Legislature
First Regular Session
2017

HB 2265

Introduced by
Representatives Engel: Alston, Benally, Blanc, Navarrete, Rios, Salman

AN ACT

AMENDING SECTIONS 41-1291.01 AND 49-459, ARIZONA REVISED STATUTES; RELATING TO AIR QUALITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 41-1291.01, Arizona Revised Statutes, is amended to read:

41-1291.01. **Powers and duties; review; staff**

A. Within sixty days after the director of environmental quality transmits a proposed state plan to the joint legislative review committee on state plans relating to carbon dioxide emissions from existing power plants pursuant to section 49-459, the committee shall review the proposed state plan ~~developed pursuant to section 49-459 in compliance with rules adopted by the administrator of the environmental protection agency under section 111(d) of the clean air act as defined in section 49-401.01.~~

B. The committee may meet before receiving the proposed state plan for the purpose of obtaining information regarding the development of the state plan and shall meet to develop factors that may be considered by the committee in reviewing the plan. The factors shall include consideration of the following:

1. The security of the electrical power grid in this state and in this region.
2. The availability of natural gas and access to natural gas infrastructure in this state.
3. The effects of improved technologies and efficiencies in power generation for this state.
4. The effects of exempting existing electric **generating GENERATION** plants from further measures.
5. The role of stranded costs in the operation of existing or new electric **generating GENERATION** plants.
6. The effects on local economies and the economy of this state, including impacts on new and existing jobs, housing affordability and income and employment levels.
7. The impact on this state's ability to attract capital investment and new businesses and to develop and expand existing businesses.
8. The relative costs and benefits of the plan.
9. The unique challenges faced by small utilities and electrical cooperative associations.
10. The effects on local ratepayers, including ratepayers in electrical cooperative associations.

11. The effects on the customs, culture, history and heritage of this state and its communities.

12. Any other factors the committee deems appropriate.

C. On receipt of the proposed state plan, the committee shall review the plan based on the factors it has developed, take public comment, and consider whether submission of the plan to the administrator, as defined in section 49-401.01, is in the public interest. For the purposes of this subsection, the review shall include adoption of comments by the committee by a vote of a majority of a quorum of the members.

D. The committee has the powers conferred by law on legislative committees.

E. The legislature shall provide staff assistance to the committee as directed by the president of the senate and the speaker of the house of representatives.

Sec. 2. Section 49-459, Arizona Revised Statutes, is amended to read:

49-459. State plan; carbon emissions from power plants

A. The director, in consultation with the corporation commission, **AND** the governing bodies of affected public power entities as defined in section 30-801, electric utilities regulated by the corporation commission and independently owned electric ~~generating~~ **GENERATION** units shall develop, adopt and enforce a state plan to regulate the emissions of carbon dioxide from existing electric generation units in compliance with ~~rules adopted by the administrator under section 111(d) of the clean air act~~ **THE CARBON EMISSION GUIDELINES FOR EXISTING STATIONARY SOURCES: ELECTRIC UTILITY GENERATING UNITS FINAL RULE, 80 FEDERAL REGISTER 64661, AS PUBLISHED OCTOBER 23, 2015.**

B. On or before the last day of each calendar quarter after July 3, 2015 and until submission of a complete state plan pursuant to subsection ~~F~~ **E** of this section, the director shall transmit a report on actions as prescribed in subsection A of this section to the joint legislative review committee on state plans relating to carbon dioxide emissions from existing power plants.

C. The director may participate in one or more full or partial multijurisdictional plans or agreements, including plans or agreements with Indian tribes, for the purposes of complying with this section.

D. Not less than ninety days before submitting a complete state plan adopted pursuant to subsection A of this section to the administrator, the director shall transmit the proposed state plan to the joint legislative review committee on state plans relating to carbon dioxide emissions from existing power plants for review pursuant to section 41-1291.01. The committee may review the proposed state plan concurrently with any public review required for the plan.

~~E. The director may not transmit a state plan to the joint legislative review committee on state plans relating to carbon dioxide emissions from existing power plants until the administrator adopts rules under section 111(d) of the clean air act.~~

~~F.~~ **E.** After review and comment by the joint legislative review committee or if the committee fails to act in a timely manner pursuant to section 41-1291.01, the director ~~may~~ **SHALL** submit a state plan to the administrator for approval.

~~G.~~ **F.** The director may adopt rules to implement subsection A of this section.□ Any rulemaking conducted pursuant to this section is exempt from the requirement under sections 41-1024 and 41-1052 to submit the rule to the governor's regulatory review council for approval.□ Before filing a final rule with the secretary of state, the director shall provide the joint legislative review committee on state plans relating to carbon dioxide emissions from existing power plants notice of any rules proposed pursuant to this section at the same time that a notice of proposed rulemaking is submitted to the secretary of state for publication in the administrative register.

~~H.~~ **G.** Submission of a state plan does not impair the ability of any affected state entity to challenge the lawfulness of the federal regulation of carbon dioxide emissions from existing electric ~~generating~~ **GENERATION** units and does not constitute a waiver of any claims.



Bill Text: AZ HCM2008 | 2017 | Fifty-third Legislature 1st Regular | Engrossed

Arizona House Concurrent Memorial 2008

Bill Title: Exceptional events rule; revisions

Spectrum: Partisan Bill (Republican 1-0)

Status: (Engrossed) 2017-03-01 - Senate read second time [HCM2008 Detail]

Download: Arizona-2017-HCM2008-Engrossed.html

House Engrossed

State of Arizona
House of Representatives
Fifty-third Legislature
First Regular Session
2017

HOUSE CONCURRENT MEMORIAL 2008

A CONCURRENT MEMORIAL

URGING THE UNITED STATES CONGRESS AND ENVIRONMENTAL PROTECTION AGENCY TO ACT TO REVISE THE EXCEPTIONAL EVENTS RULE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

To the Congress of the United States and the Administrator of the United States Environmental Protection Agency:

Your memorialist respectfully represents:

Whereas, Arizona is prone to uncontrollable, naturally occurring air events, including haboobs, other dust-related storms and wildfires, that negatively impact the ambient levels of fine and coarse particulates and ozone such that those levels exceed the National Ambient Air Quality Standards (NAAQS) established by the United States Environmental Protection Agency (EPA) for criteria pollutants; and

Whereas, the Exceptional Events Rule (EER) is a critical tool to Arizona in complying with the NAAQS, especially in light of Arizona's challenging environment, climate and geographic location; and

Whereas, local and state air quality agencies have historically spent an inordinate amount of resources developing exceptional event demonstrations when the underlying EER was laden with flaws, challenges, inconsistencies and uncertainties; and

Whereas, on September 16, 2016, the EPA finalized revisions to the EER that improved certain aspects of the EER; and

Whereas, the finalized revisions failed to address certain intrastate, interstate and international transport issues that had been brought to the EPA's attention by certain stakeholders before the finalization of the changes; and

Whereas, altitude, topography, lightning, wildfires, stratospheric intrusions, biogenic sources and regional and international transport are all factors of background ozone and are not easily mitigated through regulation; and

Whereas, the EPA continues to treat background ozone as a factor for compliance with the NAAQS and has yet to adopt an effective process to identify emissions sources that are outside of the states' regulatory control.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the United States Environmental Protection Agency revise the Exceptional Events Rule to provide for an effective process to address background ozone and other emissions that are outside of the states' regulatory control.

2. That the United States Congress take action to ensure that the Exceptional Events Rule is revised to provide for an effective process to address background ozone and other emissions that are outside of the states' regulatory control.

3. That the Secretary of State of the State of Arizona transmit a copy of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives, each Member of Congress from the State of Arizona and the Administrator of the United States Environmental Protection Agency.