

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

CHAPTER 169
HOUSE BILL 2799

AN ACT

AMENDING TITLE 49, CHAPTER 1, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 7;
RELATING TO THE VOLUNTARY ENVIRONMENTAL STEWARDSHIP PROGRAM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 49, chapter 1, Arizona Revised Statutes, is amended
3 by adding article 7, to read:

4 ARTICLE 7. VOLUNTARY ENVIRONMENTAL STEWARDSHIP PROGRAM

5 49-192. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "ENVIRONMENTAL LAWS" MEANS THIS TITLE AND ANY RULES, PERMITS AND
8 ORDERS THAT ARE ADOPTED OR ISSUED PURSUANT TO THIS TITLE.

9 2. "ENVIRONMENTAL MANAGEMENT SYSTEM" MEANS A SET OF DOCUMENTED
10 PROCESSES AND PRACTICES THAT ENABLE AN ORGANIZATION TO REDUCE ITS
11 ENVIRONMENTAL IMPACTS AND INCREASE ITS OPERATING EFFICIENCY BY CONTINUOUSLY
12 IMPROVING ITS ENVIRONMENTAL PERFORMANCE.

13 3. "ENVIRONMENTAL PERFORMANCE" MEANS THE EFFECT OF A FACILITY OR
14 ACTIVITY ON AIR, WATER, LAND, NATURAL RESOURCES OR HUMAN HEALTH AND THE
15 GENERATION OF WASTE BY A FACILITY OR ACTIVITY.

16 4. "ORGANIZATION" MEANS A COMPANY, CORPORATION, POLITICAL SUBDIVISION,
17 FIRM, ENTERPRISE OR INSTITUTION, OR ANY PART OR COMBINATION, WHETHER
18 INCORPORATED OR NOT, PUBLIC OR PRIVATE, THAT HAS ITS OWN FUNCTIONS AND
19 ADMINISTRATION. FOR ORGANIZATIONS WITH MORE THAN ONE OPERATING UNIT, A SINGLE
20 OPERATING UNIT MAY BE DEFINED AS AN ORGANIZATION.

21 49-192.01. Voluntary environmental stewardship program; minimum
22 qualifications

23 A. THE DIRECTOR SHALL DEVELOP, IMPLEMENT AND ADMINISTER A VOLUNTARY
24 ENVIRONMENTAL STEWARDSHIP PROGRAM. THE VOLUNTARY ENVIRONMENTAL STEWARDSHIP
25 PROGRAM SHALL PROVIDE RECOGNITION FOR THOSE ORGANIZATIONS WITH A HISTORY OF
26 PREVENTING ENVIRONMENTAL LAW VIOLATIONS AND INCENTIVES FOR ORGANIZATIONS
27 GOING ABOVE AND BEYOND ENVIRONMENTAL LAW REQUIREMENTS. THE PROGRAM SHALL
28 INCLUDE TIERS COMMENSURATE AND APPROPRIATE TO THE ENVIRONMENTAL IMPACTS OF AN
29 ORGANIZATION'S FACILITIES, ACTIVITIES, PRODUCTS OR SERVICES, AND BE BASED ON
30 AN ORGANIZATION'S LEVEL OF COMMITMENT TO THE PROGRAM.

31 B. THE DIRECTOR MAY ADOPT RULES TO IMPLEMENT THIS ARTICLE.

32 C. PARTICIPATION IN THE VOLUNTARY ENVIRONMENTAL STEWARDSHIP PROGRAM BY
33 ANY ORGANIZATION IS VOLUNTARY. THE DEPARTMENT SHALL APPROVE AN
34 ORGANIZATION'S MEMBERSHIP IN THE PROGRAM AND SHALL REVIEW THE ORGANIZATION'S
35 MEMBERSHIP AT LEAST ONCE EVERY THREE YEARS. MEMBERSHIP SHALL BE BASED ON THE
36 ORGANIZATION'S COMMITMENT TO:

37 1. SUSTAINED COMPLIANCE WITH ENVIRONMENTAL LAWS AND HISTORY OF
38 COMPLIANCE WITH ENVIRONMENTAL LAWS.

39 2. DEVELOP, IMPLEMENT AND MAINTAIN AN ENVIRONMENTAL MANAGEMENT SYSTEM.

40 3. GOING ABOVE AND BEYOND THE REQUIREMENTS OF ENVIRONMENTAL LAWS.

41 4. POLLUTION PREVENTION AND IMPROVING ITS ENVIRONMENTAL PERFORMANCE.

42 5. REPORTING TO THE DEPARTMENT ON ITS ENVIRONMENTAL PERFORMANCE
43 ANNUALLY.

1 D. NOTWITHSTANDING ANY OTHER LAW, MEMBERSHIP IN THE VOLUNTARY
2 ENVIRONMENTAL STEWARDSHIP PROGRAM DOES NOT CONSTITUTE A LICENSE UNDER TITLE
3 41, CHAPTER 6, AND THE DENIAL OR APPROVAL OF MEMBERSHIP DOES NOT CONSTITUTE
4 AN APPEALABLE ACTION OR AN ACTION AGAINST THE PARTY UNDER TITLE 41, CHAPTER
5 6, ARTICLE 10.

6 Sec. 2. Stakeholder process; establishment of polices.
7 guidelines and rules for voluntary environmental
8 stewardship program

9 The Arizona department of environmental quality shall conduct a
10 stakeholder process before developing any policies, guidelines or rules for
11 the implementation of the voluntary environmental stewardship program
12 established pursuant to section 49-192.01, Arizona Revised Statutes, as added
13 by this act. The stakeholders shall at a minimum include representation from
14 the legislature, current members of Arizona's environmental performance track
15 program, persons who are regulated by the department of environmental
16 quality, local governments and environmental advocacy groups.

APPROVED BY THE GOVERNOR APRIL 3, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 3, 2012.