

REFERENCE TITLE: air quality; violation reports

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HB 2044

Introduced by
Representative Robson

AN ACT

AMENDING SECTION 49-511, ARIZONA REVISED STATUTES; RELATING TO AIR QUALITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 49-511, Arizona Revised Statutes, is amended to
3 read:

4 49-511. Violations; order of abatement

5 A. When the control officer has reasonable cause to believe that any
6 person has violated or is in violation of any provision of this article, any
7 rule adopted pursuant to this article or any requirement of a permit issued
8 pursuant to this article, the control officer may serve upon such person by
9 certified mail or in person an order of abatement or may file a complaint in
10 superior court alleging a violation pursuant to section 49-513.

11 B. Except as provided in subsection E of this section, an order issued
12 pursuant to this section shall state the following:

- 13 1. With particularity, the act constituting the violation.
- 14 2. In its entirety, the certain requirement, provision or rule
15 violated.
- 16 3. The duration of the order.
- 17 4. That the alleged violator is entitled to a hearing, if the hearing
18 is requested in writing within thirty days after the date of issuance of the
19 order.

20 C. The order may be conditional and require a person to refrain from
21 particular acts unless certain conditions are met.

22 D. An order issued under this section shall require the persons to
23 whom it is issued to comply with the requirement, provision or rule as
24 expeditiously as practicable. In the case of a source required to obtain a
25 permit pursuant to this article and title V of the clean air act, the order
26 shall require compliance no later than one year after the date the order was
27 issued and may be renewable for no more than one additional year on a showing
28 of good cause to the control officer. The control officer shall report
29 annually, by ~~December~~ OCTOBER 1, to the governor, the president of the
30 senate, the speaker of the house of representatives and the director of the
31 Arizona state library, archives and public records on the sources that are
32 issued an order of abatement or a renewal pursuant to this section. The
33 report shall include summary information about the source and the order. If
34 the order was renewed, the report shall also include a summary of the
35 justification for the renewal. The control officer shall publish the
36 following information on the county's internet web site:

- 37 1. A notice that an abatement order has been issued pursuant to this
38 section and summary information about the order.
- 39 2. A notice that an order of abatement has been renewed pursuant to
40 this section and summary information about the renewal.

41 E. The control officer may enter into an order of abatement by
42 consent. The control officer may agree to accept monetary payments as part
43 of the negotiated terms of an order of abatement by consent. The terms of an
44 order of abatement by consent shall be determined by the agreement of the
45 parties.