

REFERENCE TITLE: DHS; environmental standards; environmental council

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
First Regular Session  
2007

## **HB 2279**

Introduced by  
Representatives Sinema: Ableser, Campbell CH, Campbell CL, Gallardo,  
Lopes, Lujan, Prezelski, Rios P, Tom

AN ACT

AMENDING TITLE 36, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING  
SECTION 36-113; RELATING TO THE DEPARTMENT OF HEALTH SERVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 36, chapter 1, article 1, Arizona Revised Statutes,  
3 is amended by adding section 36-113, to read:

4 36-113. Environmental standards; council of environmental  
5 health and environmental justice; definition

6 A. PURSUANT TO RULES ADOPTED BY THE DIRECTOR, THE DEPARTMENT OF HEALTH  
7 SERVICES SHALL ESTABLISH STANDARDS FOR THE NUMBER AND SPACING OF AIR, WATER  
8 AND HAZARDOUS WASTE PERMITS ISSUED PURSUANT TO TITLE 49 BY THE DEPARTMENT OF  
9 ENVIRONMENTAL QUALITY. THE DEPARTMENT OF HEALTH SERVICES SHALL BASE THESE  
10 STANDARDS ON THE RECOMMENDATIONS OF THE COUNCIL OF ENVIRONMENTAL HEALTH AND  
11 ENVIRONMENTAL JUSTICE APPOINTED PURSUANT TO SUBSECTION B AND IN CONSULTATION  
12 WITH THE DEPARTMENT OF ENVIRONMENTAL QUALITY.

13 B. THE COUNCIL OF ENVIRONMENTAL HEALTH AND ENVIRONMENTAL JUSTICE IS  
14 ESTABLISHED IN THE DEPARTMENT OF HEALTH SERVICES TO ENSURE EQUAL  
15 ENVIRONMENTAL PROTECTION FOR ALL RESIDENTS OF THIS STATE REGARDLESS OF RACE,  
16 ETHNICITY OR SOCIOECONOMIC STATUS. THE DIRECTOR OF THE DEPARTMENT OF HEALTH  
17 SERVICES SHALL SERVE AS CHAIRPERSON OF THE COUNCIL. THE DIRECTOR SHALL  
18 APPOINT TO THE COUNCIL REPRESENTATIVES FROM THE PUBLIC, NEIGHBORHOOD  
19 ASSOCIATIONS, ENVIRONMENTAL GROUPS, THE BUSINESS SECTOR AND OTHER GROUPS THAT  
20 HAVE AN INTEREST AND EXPERTISE IN ISSUES RELATING TO THE ENVIRONMENT AND  
21 PERMITTING REGULATIONS. COUNCIL MEMBERS SERVE AT THE PLEASURE OF THE  
22 DIRECTOR. COUNCIL MEMBERS ARE NOT ELIGIBLE TO RECEIVE COMPENSATION OR  
23 REIMBURSEMENT OF EXPENSES. THE COUNCIL SHALL MEET AT THE CALL OF THE  
24 CHAIRPERSON AND AT LEAST TWO TIMES EACH YEAR.

25 C. AT A MINIMUM, THE STANDARDS ADOPTED BY THE DEPARTMENT OF HEALTH  
26 SERVICES SHALL REQUIRE THAT WHENEVER THE DEPARTMENT OF ENVIRONMENTAL QUALITY  
27 ISSUES, REISSUES OR MODIFIES A PERMIT AUTHORIZING THE RELEASE OF A POLLUTANT  
28 FROM A SOURCE OR FACILITY INTO THE ENVIRONMENT, THE DEPARTMENT OF  
29 ENVIRONMENTAL QUALITY MUST:

30 1. IDENTIFY EACH SUBPOPULATION THAT MAY BE EXPOSED TO THE POLLUTANTS  
31 TO BE RELEASED FROM THE SOURCE OR FACILITY.

32 2. INCLUDE IN ANY REQUIRED PUBLIC NOTICE OF THE PROPOSED PERMIT DATA  
33 ON THE RACE, COLOR, NATIONAL ORIGIN AND INCOME WITHIN A THREE MILE RADIUS OF  
34 THE SOURCE OR FACILITY.

35 3. QUANTIFY THE CUMULATIVE EXPOSURE OF EACH SUBPOPULATION OF ALL  
36 POLLUTANTS TO BE RELEASED FROM THE SOURCE OR FACILITY THAT CONTRIBUTES TO THE  
37 CUMULATIVE EXPOSURE TO THE POLLUTANTS.

38 4. LIMIT THE RELEASE OF POLLUTANTS FROM THE SOURCE OR FACILITY TO  
39 ENSURE THAT THE RELEASE OF POLLUTANTS DOES NOT CAUSE OR CONTRIBUTE TO A  
40 CUMULATIVE EXPOSURE TO POLLUTANTS OF ANY SUBPOPULATIONS THAT IS GREATER THAN  
41 THE CUMULATIVE EXPOSURE TO POLLUTANTS OF A REFERENCE POPULATION, THAT IS NOT  
42 A SUBPOPULATION, LOCATED IN AN AREA OF COMPARABLE DENSITY AND LAND USE IN THE  
43 SAME COUNTY.

44 5. ASSESS THE RISK TO HUMAN HEALTH FROM EXPOSURE TO EACH INDIVIDUAL  
45 TOXIC POLLUTANT TO BE RELEASED FROM THE SOURCE OR FACILITY.

- 1           6. ASSESS THE RISK TO HUMAN HEALTH FROM THE CUMULATIVE EXPOSURE TO ALL  
2 TOXIC POLLUTANTS TO BE RELEASED FROM THE SOURCE OR FACILITY.
- 3           7. ASSESS THE RISK TO HUMAN HEALTH FROM THE CUMULATIVE EXPOSURE TO ALL  
4 TOXIC POLLUTANTS TO BE RELEASED FROM OTHER SOURCES OR FACILITIES THAT  
5 CONTRIBUTE TO THE CUMULATIVE EXPOSURE TO TOXIC POLLUTANTS.
- 6           8. LIMIT THE RELEASE OF TOXIC POLLUTANTS FROM ALL SOURCES AND  
7 FACILITIES AUTHORIZED BY PERMITS, LICENSES, CERTIFICATIONS, VARIANCES OR  
8 OTHER AUTHORIZATIONS TO LIMIT THE HUMAN HEALTH RISK FROM INDIVIDUAL AND  
9 CUMULATIVE EXPOSURES TO TOXIC POLLUTANTS.
- 10          D. FOR THE PURPOSES OF THIS SECTION, "SUBPOPULATION" MEANS A  
11 POPULATION OF AT LEAST TWENTY-FIVE PERSONS WHO LIVE IN A CONTIGUOUS  
12 GEOGRAPHIC AREA THAT CAN BE CHARACTERIZED AS ANY OF THE FOLLOWING:
- 13           1. BEING OF A RACE THAT IS NOT THE MAJORITY RACE IN THIS STATE AND  
14 THAT IS MORE THAN 1.2 TIMES THE COUNTYWIDE AND STATEWIDE AVERAGE PERCENTAGE  
15 OF THAT RACE.
- 16           2. BEING OF A COLOR THAT IS NOT THE MAJORITY COLOR IN THIS STATE AND  
17 THAT IS MORE THAN 1.2 TIMES THE COUNTYWIDE AND STATEWIDE AVERAGE PERCENTAGE  
18 OF THAT COLOR.
- 19           3. BEING OF A NATIONAL ORIGIN THAT IS NOT THE MAJORITY NATIONAL ORIGIN  
20 IN THIS STATE AND THAT IS MORE THAN 1.2 TIMES THE COUNTYWIDE AND STATEWIDE  
21 AVERAGE PERCENTAGE OF THAT NATIONAL ORIGIN.
- 22           4. HAVING A PERCENTAGE OF HOUSEHOLDS WITH AN INCOME OF LESS THAN  
23 FIFTEEN THOUSAND DOLLARS THAT IS 1.2 TIMES GREATER THAN THE COUNTYWIDE AND  
24 STATEWIDE AVERAGE PERCENTAGE OF HOUSEHOLDS WITH AN INCOME OF LESS THAN  
25 FIFTEEN THOUSAND DOLLARS.