Senate Engrossed

FILED

KEN BENNETT
SECRETARY OF STATE

State of Arizona
Senate
Fiftieth Legislature
Second Regular Session
2012

CHAPTER 249

SENATE BILL 1237

AN ACT

AMENDING TITLE 49, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 49-118; RELATING TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Title 49, chapter 1, article 1, Arizona Revised Statutes, is amended by adding section 49-118, to read:

49-118. Notice of violation; hazardous condition; federal agency

A. THE DEPARTMENT MAY ISSUE A NOTICE OF VIOLATION TO A FEDERAL AGENCY AS A POTENTIALLY RESPONSIBLE PARTY FOR THE DISCHARGE OF POLLUTANTS IF BOTH OF THE FOLLOWING OCCUR:

1. THE FEDERAL AGENCY DESIGNATES AN AREA OF THIS STATE AS UNDER THREAT OF CATASTROPHIC WILDFIRE AND A WILDFIRE OCCURS THAT RELEASES POLLUTANTS TO THE AIR AND WATER.

2. THE DEPARTMENT REASONABLY DETERMINES THAT THE DISCHARGE OF THE POLLUTANTS WAS THE RESULT OF THE WILDFIRE IN THE DESIGNATED AREA.

B. THIS SECTION DOES NOT APPLY ON INDIAN LANDS OWNED OR HELD BY A FEDERALLY RECOGNIZED INDIAN TRIBE, NATION, BAND OR COMMUNITY AS RESERVATION LANDS, ALLOTMENT LANDS OR SOVEREIGN OR PROPRIETARY LANDS OR IN ANY OTHER CAPACITY.

APPROVED BY THE GOVERNOR APRIL 11, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 12, 2012.

Passed the House April 5, 2012,

by the following vote: 40 Ayes,

19 Nays, 1 Not Voting

Speaker of the House

Cheryl Laube

Chief Clerk of the House

Passed the Senate February 14, 2012,

by the following vote: 20 Ayes,

9 Nays, 1 Not Voting

President of the Senate

Charmine Billington

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR
This Bill was received by the Governor this

9 day of April, 2012,

at 1:45 o'clock P M.

Secretary to the Governor

Approved this 11th day of

April, 2012,

at 2:11 o'clock P. M.

Janice K. Brewer

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 12th day of April, 2012,

at 8:07 o'clock a M.

Ken Bennett

Secretary of State

S.B. 1237