

COMMITTEE ON NATURAL RESOURCES, ENERGY & WATER  
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2747  
(Reference to printed bill)

1 Page 3, line 34, strike "shall" insert "MAY"

2 Page 4, after line 15, insert:

3 "Sec. 3. Section 49-324, Arizona Revised Statutes, is amended to  
4 read:

5 49-324. Stay pending appeal; standard of review

6 A. If an appeal is taken from the director's decision to issue a  
7 permit for a new facility, the facility may not discharge any pollutants  
8 inconsistent with the director's decision until the appeal process is  
9 completed.

10 B. Except as provided in subsections D and E of this section:

11 1. If an appeal is taken from the director's decision to grant or  
12 deny a permit for an existing facility under circumstances in which that  
13 facility was previously subject to a permit, the facility may continue to  
14 operate pending final disposition of the appeal if there is no increase in  
15 the amount of pollutants discharged or change in the characteristics of the  
16 discharge.

17 2. If an appeal is taken from the director's decision to grant,  
18 deny, modify or revoke a permit for a facility already subject to a permit,  
19 the facility may continue to operate as long as the operation complies with  
20 the conditions of the existing permit until final disposition of the  
21 appeal.

22 C. Decisions by the director shall be affirmed by the appeals board  
23 unless, considering the entire record before the board, it concludes that

1 the director's decision is arbitrary, unreasonable, unlawful or based upon  
2 a technical judgment that is clearly invalid.

3 D. The director or any interested person who has appealed or  
4 intervened before the board may apply to the superior court for an order  
5 requiring cessation of discharge or conditions for continued discharge  
6 pending final disposition of the appeal as necessary to prevent an imminent  
7 and substantial endangerment to public health and the environment. The  
8 court shall determine the matter under the standards applicable for  
9 granting preliminary injunctions.

10 E. Notwithstanding section 41-1092.11, if a notice of appeal of a  
11 permit that is issued under article 3.1 of this chapter is filed WITH THE  
12 WATER QUALITY APPEALS BOARD, those permit provisions that are specifically  
13 identified in the notice of appeal as being contested and those other  
14 permit provisions that cannot be severed from the contested provisions are  
15 automatically stayed while the appeal is pending, ~~including during any~~  
16 ~~court proceedings~~ BEFORE THE BOARD. Uncontested permit provisions that are  
17 severable from the contested provisions are effective and enforceable  
18 thirty days after the director serves notice on the applicant, the water  
19 quality appeals board and any party who commented on the proposed action of  
20 the conditions that are uncontested and severable."

21 Amend title to conform

And, as so amended, it do pass

GAIL GRIFFIN  
CHAIRMAN

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