

REFERENCE TITLE: Solid Waste And Hazardous Waste

State of Arizona  
Senate  
Thirty-first Legislature  
Second Regular Session

1211

S. B. \_\_\_\_\_

Introduced by

<sup>(1)</sup> Douglas Holcomb

<sup>(3)</sup> [Signature]

AN ACT

<sup>(2)</sup> Sandra Olmstead

RELATING TO PUBLIC HEALTH AND SAFETY; PROVIDING FOR THE PLANNING AND REGULATION OF SOLID WASTE AND HAZARDOUS WASTE STORAGE, COLLECTION, TRANSPORTATION, PROCESSING AND DISPOSAL SYSTEMS; AUTHORIZING THE ACCEPTANCE OF GRANTS; PRESCRIBING POWERS AND DUTIES OF THE STATE, COUNTIES AND MUNICIPALITIES; PROHIBITING CERTAIN ACTS; PROVIDING REMEDIES AND PRESCRIBING PENALTIES; REPEALING SECTIONS 9-441 AND 9-442, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 6, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 1.1, AND MAKING AN APPROPRIATION.

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Repeal  
3 Sections 9-441 and 9-442, Arizona Revised Statutes, are repealed.  
4 Sec. 2. Title 36, chapter 6, Arizona Revised Statutes, is amended  
5 by adding article 1.1, sections 36-611 through 36-620, to read:  
6 ARTICLE 1.1. SOLID WASTE AND HAZARDOUS  
7 WASTE MANAGEMENT  
8 36-611. Declaration of policy  
9 THE LEGISLATURE FINDS AND DECLARES THAT IMPROPER AND INADEQUATE  
10 SOLID WASTE PRACTICES CREATE PUBLIC HEALTH HAZARDS, SAFETY HAZARDS, EN-  
11 VIRONMENTAL POLLUTION AND ECONOMIC LOSS. THEREFORE, THE LEGISLATURE  
12 BY THIS ARTICLE INTENDS TO ESTABLISH AND MAINTAIN A COOPERATIVE STATE AND  
13 LOCAL PROGRAM OF PLANNING AND TECHNICAL AND FINANCIAL ASSISTANCE FOR  
14 COMPREHENSIVE SOLID WASTE AND HAZARDOUS WASTE MANAGEMENT, ENCOURAGE WHEN-  
15 EVER FEASIBLE A SYSTEM TO RECYCLE SOLID WASTES AND UTILIZE, WHERE FEASIBLE  
16 AND DESIRABLE, THE CAPABILITIES OF PRIVATE ENTERPRISE IN ACCOMPLISHING  
17 THE DESIRED OBJECTIVES OF AN EFFECTIVE SOLID WASTE AND HAZARDOUS WASTE  
18 MANAGEMENT PROGRAM.  
19 36-612. Definitions  
20 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:  
21 1. "DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH SERVICES.  
22 2. "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF HEALTH  
23 SERVICES.

1           3. "HAZARDOUS WASTE" MEANS ANY WASTE MATERIAL OR MIXTURE OF  
2 WASTES WHICH IS TOXIC, CORROSIVE, FLAMMABLE, AN IRRITANT, A STRONG  
3 SENSITIZER, WHICH GENERATES PRESSURE THROUGH DECOMPOSITION, HEAT OR  
4 OTHER MEANS, IF SUCH A WASTE OR MIXTURE OF WASTES MAY CAUSE SUBSTANTIAL  
5 PERSONAL INJURY, SERIOUS ILLNESS OR HARM TO WILDLIFE, DURING, OR AS A  
6 PROXIMATE RESULT OF ANY DISPOSAL OF SUCH WASTES OR MIXTURE OF WASTES.  
7           4. "MUNICIPALITY" MEANS AN INCORPORATED CITY OR TOWN.  
8           5. "PERSON" MEANS ANY PUBLIC OR PRIVATE CORPORATION, COMPANY,  
9 PARTNERSHIP, FIRM, ASSOCIATION OR SOCIETY OF PERSONS, THE FEDERAL  
10 GOVERNMENT AND ANY OF ITS DEPENDENTS OR AGENCIES, THE STATE OR ANY OF  
11 ITS AGENCIES, DEPARTMENTS OR POLITICAL SUBDIVISIONS, AS WELL AS A NATURAL  
12 PERSON.  
13           6. "SOLID WASTE" MEANS GARBAGE, REFUSE, LEAVES, RUBBISH, DEBRIS,  
14 TRASH AND OTHER DISCARDED MATERIALS INCLUDING, BUT NOT LIMITED TO, SOLID  
15 AND LIQUID WASTE MATERIALS RESULTING FROM INDUSTRIAL, COMMERCIAL, AGRI-  
16 CULTURAL, INSTITUTIONAL AND RESIDENTIAL ACTIVITIES.  
17           7. "SOLID WASTE MANAGEMENT SYSTEM" MEANS THE PLANNING AND IMPL-  
18 MENTATION OF ADEQUATE AND PROPER PROCESSING AND DISPOSAL OF SOLID WASTES  
19 BY ANY PERSON ENGAGING IN SUCH PROCESS AS A BUSINESS OR THE STATE, ANY  
20 MUNICIPALITY, COUNTY OR ANY COMBINATION THEREOF.  
21           36-613. Authorization to accept funds or grants  
22           ~~THE DEPARTMENT OF HEALTH SERVICES OR COUNTIES OR MUNICIPALITIES~~  
23 MAY ACCEPT AND EXPEND IN ACCORDANCE WITH THE TERMS OF THE GRANT ANY  
24 FUNDS GRANTED TO IT BY THE FEDERAL GOVERNMENT, ANY POLITICAL SUBDIVISION  
25 OF THE STATE, ANY AGENCY OR BRANCH OF THE FEDERAL OR STATE GOVERNMENTS  
26 OR ANY PRIVATE AGENCY IN ORDER TO CARRY OUT THE PURPOSES OF THIS ARTICLE.  
27           36-614. Powers and duties of the department  
28           ~~THE DEPARTMENT SHALL HAVE THE POWER AND ITS DUTY SHALL BE TO:~~  
29           1. ADMINISTER THE SOLID WASTE AND HAZARDOUS WASTE MANAGEMENT  
30 PROGRAM PURSUANT TO THE PROVISIONS OF THIS ARTICLE AND SECTION 36-132.01.  
31           2. COOPERATE WITH APPROPRIATE FEDERAL, STATE, INTERSTATE AND LOCAL  
32 UNITS OF GOVERNMENT AND WITH APPROPRIATE PRIVATE ORGANIZATIONS IN CARRY-  
33 ING OUT ITS DUTIES UNDER THIS ARTICLE.  
34           3. ADOPT SUCH RULES, REGULATIONS, INCLUDING STANDARDS AND PROCEDURES,  
35 AS SHALL BE NECESSARY AND FEASIBLE TO CARRY OUT THE PURPOSES AND PROVISIONS  
36 OF THIS ARTICLE. SUCH RULES AND REGULATIONS SHALL INSURE THE CONSERVATION  
37 OF THE AIR, WATER AND LAND RESOURCES OF THE STATE, PROTECT THE PUBLIC  
38 HEALTH AND PREVENT PUBLIC NUISANCES, AND SHALL NOT BE ADOPTED WITHOUT  
39 CONSIDERATION OF RECYCLING AS A METHOD OF SOLID AND HAZARDOUS WASTE MANAGE-  
40 MENT. WITHIN ONE YEAR AFTER THE HAZARDOUS WASTE STUDY HAS BEEN COMPLETED  
41 THE DEPARTMENT SHALL DEVELOP AND ADOPT BOTH INTERIM AND FINAL REGULATIONS  
42 AND MINIMUM STANDARDS, AS APPROPRIATE, TO INSURE THAT HAZARDOUS WASTES  
43 ARE BEING TRANSPORTED, MANAGED OR DISPOSED OF PROPERLY TO PROTECT THE  
44 WASTE HANDLERS, OPERATORS OF DISPOSAL SITES, PUBLIC HEALTH, PROMOTE PUBLIC  
45 SAFETY AND GUARANTEE ENVIRONMENTAL PROTECTION.  
46           4. DEVELOP A STATEWIDE SOLID WASTE MANAGEMENT PLAN IN COOPERATION  
47 WITH LOCAL GOVERNMENTS. WHEN FEASIBLE, EMPHASIS SHALL BE GIVEN TO AREAWIDE  
48 PLANNING.  
49           5. PROVIDE TECHNICAL ASSISTANCE TO MUNICIPALITIES OR COUNTIES IN-  
50 CLUDING THE TRAINING OF PERSONNEL.

1 6. REPORT TO THE LEGISLATURE FROM TIME TO TIME ON FURTHER ASSISTANCE  
2 THAT WILL BE NEEDED TO ADMINISTER THE SOLID AND HAZARDOUS WASTE MANAGEMENT  
3 PROGRAM.  
4 7. INITIATE, CONDUCT AND SUPPORT RESEARCH, DEMONSTRATION PROJECTS  
5 AND INVESTIGATIONS AND COORDINATE ALL STATE AGENCY RESEARCH PROGRAMS  
6 PERTAINING TO SOLID AND HAZARDOUS WASTE MANAGEMENT SYSTEMS.  
7 8. ESTABLISH POLICIES FOR EFFECTIVE SOLID AND HAZARDOUS WASTE  
8 MANAGEMENT SYSTEMS.  
9 9. CONDUCT SUCH INSPECTIONS AS MAY BE NECESSARY TO IMPLEMENT THE  
10 PROVISIONS OF THIS ARTICLE AND THE RULES, REGULATIONS AND STANDARDS  
11 ADOPTED PURSUANT TO THIS ARTICLE.  
12 10. PREPARE, ADOPT AND MAY REVISE WHEN APPROPRIATE, A LISTING OF  
13 THE WASTES WHICH ARE DETERMINED TO BE HAZARDOUS. WHEN IDENTIFYING SUCH  
14 WASTES THE DEPARTMENT SHALL CONSIDER, BUT NOT BE LIMITED TO, THE IMMEDIATE  
15 OR PERSISTENT TOXIC EFFECTS TO MAN AND WILDLIFE AND THE RESISTENCE TO  
16 NATURAL DEGRADATION OF DETOXIFICATION OF THE WASTES. A TENTATIVE LIST  
17 SHALL BE PROVIDED WITHIN SIX MONTHS OF THE EFFECTIVE DATE OF THIS ARTICLE,  
18 AND THE OFFICIAL LIST SHALL BE PROVIDED WITHIN TWO YEARS OF THE EFFECTIVE  
19 DATE OF THIS ARTICLE.  
20 11. ADOPT, AND MAY REVISE WHEN APPROPRIATE, MINIMUM STANDARDS AND  
21 REGULATIONS FOR THE HANDLING, PROCESSING, AND DISPOSAL OF HAZARDOUS WASTES  
22 TO PROTECT AGAINST HAZARDS TO THE PUBLIC HEALTH, DOMESTIC LIVESTOCK AND  
23 WILDLIFE.  
24 12. ADOPT VARYING STANDARDS FOR DIFFERENT AREAS OF THE STATE DEPENDING  
25 ON POPULATION DENSITY, CLIMATE, GEOLOGY AND OTHER FACTORS RELEVANT TO HAZARD-  
26 OUS WASTE PROCESSING AND DISPOSAL.  
27 13. PUBLISH A STUDY WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS  
28 ARTICLE WHICH ANALYZES THE NATURE AND EXTENT OF HAZARDOUS WASTE PRODUCTION,  
29 HANDLING, PROCESSING AND DISPOSAL. THIS STUDY SHALL CONSIDER THE VOLUME  
30 AND CONCENTRATION OF HAZARDOUS WASTES GENERATED IN THIS STATE, A DESCRIP-  
31 TION OF CURRENT HANDLING AND TRANSPORTATION METHODS AND AN ANALYSIS OF  
32 WHERE AND HOW THESE WASTES ARE BEING CURRENTLY MANAGED OR DISPOSED OF.  
33 36-615. Solid waste management plans  
34 A. EACH MUNICIPALITY AND COUNTY SHALL, AFTER REASONABLE NOTICE  
35 AND PUBLIC HEARINGS, ADOPT AND SUBMIT TO THE DIRECTOR, WITHIN EIGHTEEN  
36 MONTHS AFTER THE PROMULGATION OF GUIDELINES UNDER SUBSECTION C OF THIS  
37 SECTION, A PLAN WHICH PROVIDES FOR THE COLLECTION, TRANSPORTATION, PRO-  
38 CESSING, STORAGE AND DISPOSAL OF ALL SOLID WASTES WITHIN THE JURISDICTIONAL  
39 BOUNDARIES OF THE MUNICIPALITY OR COUNTY.  
40 B. THE DIRECTOR SHALL WITHIN FOUR MONTHS AFTER THE DATE REQUIRED  
41 FOR SUBMISSION OF A PLAN UNDER SUBSECTION A OF THIS SECTION, APPROVE OR  
42 DISAPPROVE SUCH PLAN OR ANY PORTION THEREOF. THE DIRECTOR SHALL APPROVE  
43 SUCH PLAN, OR ANY PORTION THEREOF OR ANY REVISION THERETO, IF HE DETERMINES:  
44 1. THAT IT WAS ADOPTED AFTER REASONABLE NOTICE AND PUBLIC HEARING  
45 AND IN ACCORDANCE WITH THE GUIDELINES PRESCRIBED BY SUBSECTION C OF THIS  
46 SECTION.  
47 2. THAT IT COMPLIES WITH AND IS CONSISTENT WITH THE PROVISIONS OF  
48 THIS ARTICLE.  
49 C. THE DIRECTOR SHALL WITHIN NINETY DAYS AFTER THE EFFECTIVE DATE  
50 OF THIS SECTION PROMULGATE RULES AND REGULATIONS ESTABLISHING GUIDELINES

1 FOR THE PREPARATION OF SOLID WASTE MANAGEMENT PLANS REQUIRED UNDER SUB-  
2 SECTION A OF THIS SECTION, WHICH SHALL INCLUDE SUCH REQUIREMENTS AS ARE  
3 REASONABLY NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ARTICLE AND  
4 THE RULES AND REGULATIONS PROMULGATED UNDER SECTION 36-614.  
5 D. IN CARRYING OUT ITS RESPONSIBILITIES UNDER THIS SECTION, ANY  
6 MUNICIPALITY OR COUNTY MAY INCLUDE AS PART OF ITS SOLID WASTE MANAGEMENT  
7 PLAN AND SHALL HAVE AUTHORITY TO DO THE FOLLOWING:  
8 1. ADOPT ORDINANCES, REGULATIONS AND STANDARDS FOR THE STORAGE,  
9 COLLECTION, TRANSPORTATION, DISPOSAL AND PROCESSING OF SOLID WASTES AND  
10 STANDARDS FOR RECYCLING OF SOLID WASTES WHICH ARE EQUAL TO OR MORE STRINGENT  
11 THAN THE REGULATIONS AND STANDARDS ADOPTED BY THE DEPARTMENT.  
12 2. REQUIRE AND COLLECT SERVICE CHARGES OR FEES TO OFFSET THE COSTS  
13 OF OPERATING A SOLID WASTE MANAGEMENT SYSTEM.  
14 3. CONTRACT WITH ANY PERSON TO PROVIDE SOLID WASTE COLLECTION,  
15 TRANSPORTATION, PROCESSING, STORAGE AND DISPOSAL SERVICE WITHIN PART OR  
16 ALL OF THE MUNICIPALITY OR COUNTY. NOTHING IN THIS SUBSECTION SHALL BE  
17 CONSTRUED TO PERMIT A MUNICIPALITY OR COUNTY TO GRANT AN EXCLUSIVE FRANCHISE  
18 TO ANY PERSON FOR THE STORAGE, COLLECTION, TRANSPORTATION, PROCESSING AND  
19 DISPOSAL OF COMMERCIAL AND INDUSTRIAL SOLID WASTE.  
20 4. PROMULGATE REGULATIONS FOR APPROVING PRIVATE SOLID WASTE COLLEC-  
21 TION, TRANSPORTATION, PROCESSING, STORAGE AND DISPOSAL SERVICES WITHIN  
22 PART OR ALL OF THE MUNICIPALITY OR COUNTY.  
23 E. A COUNTY SOLID WASTE MANAGEMENT PLAN SHALL APPLY ONLY TO THE  
24 UNINCORPORATED AREAS WITHIN THE BOUNDARIES OF THE COUNTY UNLESS AN IN-  
25 CORPORATED CITY OR TOWN REQUESTS INCLUSION WITHIN THE PLAN AND THE COUNTY  
26 CONSENTS THERETO.  
27 36-616. Prohibited acts  
28 IT SHALL BE UNLAWFUL FOR ANY PERSON, MUNICIPALITY OR COUNTY TO:  
29 1. DUMP OR DEPOSIT, OR PERMIT THE DUMPING OR DEPOSITING OF ANY  
30 SOLID OR HAZARDOUS WASTES ONTO THE SURFACE OF THE GROUND OR INTO THE  
31 WATERS OF THE STATE EXCEPT FOR THE DUMPING OF SOLID WASTE INTO AN APPROVED  
32 SOLID WASTE STORAGE OR DISPOSAL FACILITY AND THE DISPOSAL OF HAZARDOUS  
33 WASTES IN ACCORDANCE WITH THE REGULATIONS OF THE DEPARTMENT. THIS PRO-  
34 VISION SHALL NOT PROHIBIT INDIVIDUALS FROM DUMPING OR DEPOSITING SOLID  
35 WASTES RESULTING FROM THEIR OWN RESIDENTIAL ACTIVITIES ONTO THE SURFACE  
36 OF THE GROUND OWNED OR LEASED BY THEM WHEN SUCH WASTES DO NOT THEREBY  
37 CREATE A PUBLIC NUISANCE OR ADVERSELY AFFECT THE PUBLIC HEALTH.  
38 2. CONSTRUCT, ALTER OR OPERATE A SOLID OR HAZARDOUS WASTE PROCESSING  
39 OR DISPOSAL FACILITY OR AREA OF SOLID WASTE MANAGEMENT SYSTEM WITHOUT AN  
40 APPROVAL FROM THE DEPARTMENT OR IN VIOLATION OF THE RULES, REGULATIONS,  
41 STANDARDS OR ORDERS OF THE DEPARTMENT.  
42 3. BURN SOLID OR HAZARDOUS WASTES EXCEPT IN A MANNER APPROVED BY  
43 THE AIR POLLUTION CONTROL AGENCY HAVING JURISDICTION OR THE DEPARTMENT.  
44 4. STORE, COLLECT, TRANSPORT, PROCESS OR DISPOSE OF SOLID OR HAZARDOUS  
45 WASTE CONTRARY TO THE RULES, REGULATIONS, STANDARDS OR ORDERS OF THE DEPART-  
46 MENT OR IN SUCH A MANNER AS TO CREATE A PUBLIC NUISANCE.  
47 5. REFUSE OR HINDER ENTRY AND INSPECTION BY AN AGENT OR EMPLOYEE OF  
48 THE DEPARTMENT AFTER SUCH AGENT OR EMPLOYEE IDENTIFIES HIMSELF AND GIVES  
49 NOTICE OF HIS PURPOSE.  
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1           6. TRANSPORT OR PERMIT THE TRANSPORTATION OF ANY SOLID OR HAZARDOUS  
2 WASTE CONTRARY TO THE RULES, REGULATIONS OR STANDARDS OF THE DEPARTMENT  
3 OR IN SUCH A MANNER AS TO ADVERSELY AFFECT OR ENDANGER THE HEALTH, SAFETY,  
4 ENVIRONMENT OR ECONOMY OF THE AREA OF DESTINATION OR OF ANY AREA IN THIS  
5 STATE THROUGH WHICH SUCH TRANSPORTATION OCCURS.

6           36-617. Orders

7           WHEN THE DIRECTOR HAS REASONABLE CAUSE TO BELIEVE FROM THE INFORMA-  
8 TION FURNISHED HIM OR FROM AN INVESTIGATION MADE BY A REPRESENTATIVE OF  
9 THE DEPARTMENT THAT ANY PERSON IS COLLECTING, TRANSPORTING, PROCESSING,  
10 STORING, RECYCLING OR DISPOSING OF SOLID OR HAZARDOUS WASTE IN VIOLATION  
11 OF THIS ARTICLE OR THE RULES AND REGULATIONS ADOPTED BY THE DEPARTMENT  
12 OR IN SUCH A MANNER AS TO CAUSE POLLUTION OF THE LAND, AIR OR WATERS OF  
13 THE STATE OR AS TO CREATE A NUISANCE, OR OTHERWISE FAILS TO COMPLY WITH  
14 THE PROVISIONS OF THIS ARTICLE OR THE RULES AND REGULATIONS, HE SHALL  
15 SERVE UPON SUCH PERSON, BY REGISTERED OR CERTIFIED MAIL, AN ORDER REQUIR-  
16 ING THE PERSON TO CEASE AND DESIST FROM SUCH ACT OR TO PROVIDE OR ALTER  
17 ITS COLLECTION, TRANSPORTATION, PROCESSING, STORING, RECYCLING OR DISPOSAL  
18 SYSTEM AS WILL COMPLY WITH THIS ARTICLE AND THE RULES AND REGULATIONS AND  
19 PREVENT POLLUTION AND PUBLIC NUISANCES. THE ORDER SHALL STATE THAT THE  
20 PERSON NAMED IN THE ORDER IS ENTITLED TO A HEARING IF SUCH HEARING IS RE-  
21 QUESTED IN WRITING WITHIN TWENTY DAYS AFTER THE DATE OF ISSUANCE OF THE  
22 ORDER. AN ORDER ISSUED BY THE DIRECTOR UNDER THIS SECTION SHALL BECOME  
23 EFFECTIVE IMMEDIATELY UPON THE EXPIRATION OF THE TIME DURING WHICH A  
24 REQUEST FOR A HEARING MAY BE MADE UNLESS THE PERSON NAMED IN THE ORDER  
25 SHALL HAVE MADE A TIMELY REQUEST FOR A HEARING. IF A HEARING IS RE-  
26 QUESTED, THE DIRECTOR SHALL HOLD A HEARING WITHIN SIXTY DAYS FROM RECEIPT  
27 OF THE REQUEST. WRITTEN NOTICE OF THE TIME AND PLACE OF THE HEARING SHALL  
28 BE SENT BY THE DIRECTOR TO THE PERSON REQUESTING THE HEARING AT LEAST  
29 TWENTY DAYS BEFORE THE HEARING. AT THE CONCLUSION OF THE HEARING THE  
30 DIRECTOR MAY AFFIRM, VACATE OR MODIFY HIS ORDER.

31           36-618. Judicial review

32           WITHIN THIRTY DAYS AFTER THE SERVICE BY REGISTERED OR CERTIFIED  
33 MAIL OF THE DIRECTOR UNDER THIS ARTICLE ANY PERSON WHO WAS A PARTY OF  
34 RECORD IN THE PROCEEDINGS BEFORE THE DIRECTOR, MAY APPEAL THEREFROM TO  
35 THE SUPERIOR COURT OF MARICOPA COUNTY IN ACCORDANCE WITH THE PROVISIONS  
36 OF TITLE 12, CHAPTER 7, ARTICLE 6.

37           36-619. Injunctive relief

38           A. UPON THE FAILURE OR REFUSAL OF ANY PERSON TO COMPLY WITH AN  
39 ORDER ISSUED BY THE DIRECTOR UNDER SECTION 36-617 IN CASES WHERE THE  
40 ORDER HAS BECOME EFFECTIVE, THE DIRECTOR MAY FILE AN ACTION IN THE MARICOPA  
41 COUNTY SUPERIOR COURT TO RESTRAIN AND ENJOIN THE PERSON FROM ENGAGING IN  
42 FURTHER ACTS VIOLATING THE ORDER. THE COURT SHALL PROCEED AS IN OTHER  
43 ACTIONS FOR INJUNCTIONS EXCEPT THAT THE FINDINGS OF THE DIRECTOR SHALL  
44 BE PRIMA FACIE EVIDENCE OF THE FACT OR FACTS FOUND THEREIN.

45           B. NOTWITHSTANDING ANY OTHER PROVISION IN THIS ARTICLE, WHENEVER  
46 THE DIRECTOR DETERMINES THAT ANY PERSON IS COLLECTING, TRANSPORTING,  
47 PROCESSING, STORING, RECYCLING OR DISPOSING OF SOLID OR HAZARDOUS WASTE  
48 IN SUCH A MANNER AS TO CONSTITUTE A CLEAR AND PRESENT DANGER TO THE  
49 HEALTH OF THE PUBLIC, HE MAY MAKE APPLICATION TO THE SUPERIOR COURT OF  
50 THIS STATE FOR A TEMPORARY RESTRAINING ORDER, PRELIMINARY INJUNCTION OR

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OR PERMANENT INJUNCTION.

36-620. Penalties

A. ANY PERSON VIOLATING THIS ARTICLE OR THE RULES, REGULATIONS OR STANDARDS ADOPTED THEREUNDER SHALL BE GUILTY OF A MISDEMEANOR.

B. VIOLATIONS ON SEPARATE DAYS SHALL BE CONSIDERED SEPARATE AND DISTINCT OFFENSES UNDER SUBSECTION A.

Sec. 3. Appropriation

The sum of fifty thousand dollars is appropriated to the department of health services to carry out the purposes of this article.

Sec. 4. Exemption

The appropriation made by this article is exempt from the provisions of section 35-190, Arizona Revised Statutes, relating to lapsing of appropriations.