

HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: **HCM 2008**

Willoughby Floor Amendment

-
- Provides the name "Pacific Southwest Region" to EPA Region 9's description.
 - Adds that the average office rental asking price in Phoenix, AZ is less than half of that in San Francisco, CA.
 - Names the Maricopa County Air Quality Department and the Arizona Department of Environmental Quality (ADEQ) as stakeholders that interact with the EPA Region 9 office.
 - Outlines that current regulatory processes require extensive communication between ADEQ and the EPA. Further details how Arizona's air and water quality challenges require timely responses and that coordination between ADEQ and the EPA is often inefficient.
 - Provides that the state's unique environmental challenges differ from the other states in EPA region 9.
 - Outlines the prior existence of the dedicated satellite office in Tucson, Arizona and how a local liaison would help bridge the gap between Arizona and the EPA.
 - Adds a new list of strategies to consider in the request for action from the US President and the EPA Administrator.

Amendment explanation prepared by Corbin W

Phone Number 63458

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2/18/2025

WILLOUGHBY FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.C.M. 2008
(Reference to printed memorial)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.

[Green underlining in brackets] indicates text added to new session law or text restoring existing law.

[~~GREEN STRIKEOUT IN BRACKETS~~] indicates new text removed from statute or previously enacted session law.

[~~Green strikeout in brackets~~] indicates text removed from existing statute, previously enacted session law or new session law.

<<Green carets>> indicate a section added to the bill.

<<~~Green strikeout in carets~~>> indicates a section removed from the bill.

1 The memorial as proposed to be amended is reprinted as follows:

2 To the President of the United States of America and the [Director]
3 [Administrator] of the United States Environmental Protection
4 Agency:

5 Your memorialist respectfully represents:

6 Whereas, the United States Environmental Protection Agency (EPA),
7 the mission of which is to protect human health and the environment, has
8 ten regional offices; and

9 Whereas, each regional office is responsible for the execution of
10 EPA's programs within several states and territories; and

11 Whereas, regional offices allow the EPA to address health and
12 environmental concerns in a specific area of the country across a set of
13 commonalities in that area, including environmental, economic, cultural
14 and other conditions in common; and

15 Whereas, [the Pacific Southwest Region, also known as] Region 9[.]
16 includes Arizona, California, Hawaii, Nevada, the Pacific Islands and 148
17 tribal nations[: and][, -]

18 [Whereas.] the regional office for [which] [EPA Region 9] is in San
19 Francisco; and

20 [Whereas, the average office rental asking price in Phoenix is less
21 than half that of San Francisco; and]

22 Whereas, the Maricopa Association of Governments [~~MAG~~] [., the
23 Maricopa County Air Quality Department, the Arizona Department of
24 Environmental Quality (ADEQ)] and other public and private stakeholders
25 [in the Phoenix-Mesa nonattainment area] in this state have experienced
26 challenges in dealing with EPA administrators who are based out of the EPA
27 Region 9 office in San Francisco; and

1 Whereas, the current regulatory process requires extensive
2 back-and-forth communication between ADEQ and EPA Region 9 headquarters in
3 San Francisco, significantly delaying decision-making; and

4 Whereas, Arizona's air and water quality challenges require timely
5 responses that the current structure and location in San Francisco do not
6 provide; and

7 Whereas, this state's unique environment creates distinct challenges
8 that differ from the challenges of other states in EPA Region 9, including
9 locally uncontrollable emissions associated with international, interstate
10 and natural sources, exception events that contribute to air quality
11 concerns, such as nonattainment for ozone, PM2.5, PM10 and regional haze
12 requirements, water quality issues, such as the EPA's interpretation that
13 waters of the United States extend to ephemeral streams and delays in
14 permitting for aquifer protection permits, and solid waste and hazardous
15 material management, such as delays in approval for underground injection
16 control permits and challenges with hazardous waste disposal and landfill
17 capacity recycling programs; and

18 Whereas, the current coordination between ADEQ and the EPA on these
19 matters is often inefficient, resulting in delays in addressing
20 contamination sites, approving waste management plans and ensuring
21 compliance with federal regulations; and]

22 ~~Whereas, [these challenges have included] [leadership at] the EPA~~
23 ~~[failing] [Region 9 office in San Francisco has failed] to recognize~~
24 ~~legitimate natural background sources of ozone precursors, such as from~~
25 ~~native species indigenous to the Southwest, and international transport of~~
26 ~~ozone and ozone precursors from other countries and states, including~~
27 ~~California, Mexico and China, which cannot reasonably be controlled and in~~
28 ~~the case of native plant species, including shade trees, should not be~~
29 ~~controlled; and~~

30 ~~[Whereas, public and private stakeholders in Arizona have worked~~
31 ~~diligently over the past two decades to implement over 90 ozone control~~
32 ~~measures in this region, including robust regional multimodal~~
33 ~~transportation investments and expanded transit options, yet the~~
34 ~~stakeholders have continued to face increased scrutiny and unrealistic~~
35 ~~expectations from the EPA; and~~

36 ~~Whereas, modeling conducted by MAG has found that, even if this~~
37 ~~state were to remove all four million on-road vehicle engines in the~~
38 ~~Greater Phoenix Metropolitan area, this drastic, costly and unrealistic~~
39 ~~measure would not bring the Phoenix-Mesa nonattainment area into~~
40 ~~compliance with the 2015 ozone standard under the current design value;~~
41 ~~and]~~

42 ~~Whereas, leadership at the EPA Region 9 office has not acted on the~~
43 ~~revised Maricopa County Air Pollution Control Regulations II – Rules 204~~
44 ~~and 205, which allow parties in the Phoenix-Mesa nonattainment area to~~
45 ~~earn nontraditional emission reduction credits for implementing reasonable~~
46 ~~emission precursor control measures on nontraditional sources and mobile~~

1 sources, such light and heavy duty vehicles, which are the primary source
2 of ozone emission precursors in some nonattainment areas; and

3 Whereas, the EPA Region 9 office is failing to meet the needs of and
4 adequately recognize the circumstances in Arizona~~[. Region 8, which~~
5 ~~includes Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming and~~
6 ~~28 tribal nations, is a better fit for the concerns of Arizona.] [; and~~

7 Whereas, the complexities of Arizona's environmental issues, coupled
8 with the prolonged timeline for rulemaking, state implementation plans and
9 requisite authorizations, underscore the necessity of having a dedicated
10 local presence from the EPA in this state; and

11 Whereas, in prior years, the EPA had a dedicated satellite office in
12 Tucson, Arizona, where Colleen McKaughan served as a local liaison and the
13 associate director for the EPA's Air Division in Region 9; and

14 Whereas, as a dedicated local liaison, Associate Director McKaughan
15 worked extensively on air quality, tribal and environmental issues in the
16 region, somewhat mitigating Region 9 inefficiencies; and

17 Whereas, establishing a local EPA presence in Phoenix would help to
18 bridge the gap between Arizona's state, local and tribal agencies and the
19 EPA that currently exists between these important regulatory bodies; and

20 Whereas, regardless of the specific methods and approaches that the
21 federal government considers to reshape the federal bureaucracy, drastic
22 measures are needed to shake EPA Region 9 from its current inefficiencies
23 and release Arizona from the hold that California currently has on this
24 state and others in EPA Region 9.]

25 Wherefore your memorialist, the House of Representatives of the State of
26 Arizona, the Senate concurring, prays:

27 1. That the President of the United States and the ~~[Director]~~
28 ~~[Administrator]~~ of the United States Environmental Protection Agency ~~[do]~~
29 ~~[(EPA)]~~ address the impacts of EPA Region 9 on Arizona by strongly
30 considering adopting] one of the following ~~[strategies, in the following~~
31 ~~order of preference]:~~

32 ~~[(a) Move Arizona from EPA Region 9 to EPA Region 8.]~~

33 ~~[(b)] [(a)]~~ Move the EPA Region 9 office from California to
34 Arizona.

35 ~~[(b) Move Arizona from EPA Region 9 to EPA Region 6 and establish a~~
36 ~~local office in Arizona consistent with paragraph 2 of this section.~~

37 ~~[(c) Move Arizona from EPA Region 9 to EPA Region 8 and establish a~~
38 ~~local office in Arizona consistent with paragraph 2 of this section.~~

39 ~~[(d) Establish a new EPA region in the Intermountain West consisting~~
40 ~~of Arizona, Idaho, Nevada and Utah and establish a local office in Arizona~~
41 ~~consistent with paragraph 2 of this section.~~

42 2. That, in addition to selecting their preferred strategy in
43 paragraph 1 of this section, the President of the United States and the
44 EPA Administrator seek to accomplish the following:

45 (a) Establish and staff a dedicated, local satellite office for the
46 relevant EPA Region in Phoenix.

1 (b) Appoint to the head of such office an individual from within
2 the appropriate region who will be given a meaningful and prominent
3 position in leadership, with authority and discretion to make decisions on
4 critical regulatory matters, permits and plans that affect this state,
5 such as a director or deputy regional administrator or an equivalent role.

6 (c) Work with state, local and tribal governments, stakeholders,
7 businesses and members of the regulated community in Arizona to help
8 identify and vet potential candidates for such a role.]

9 3. That the Secretary of State of the State of Arizona transmit
10 copies of this Memorial to the President of the United States and the
11 [Director] [Administrator] of the United States Environmental Protection
12 Agency.

13 Enroll and engross to conform

14 Amend title to conform

JULIE WILLOUGHBY

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02/12/2025

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