

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1444

(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Title 49, chapter 2, article 3, Arizona Revised
3 Statutes, is amended by adding section 49-245.03, to read:

4 49-245.03. Helium exploration and production general permit;
5 rules; requirements

6 A. THE DIRECTOR SHALL ESTABLISH BY RULE A HELIUM EXPLORATION AND
7 PRODUCTION GENERAL PERMIT. EXCEPT AS PROVIDED IN SUBSECTION D OF THIS
8 SECTION, A PERSON IS NOT REQUIRED TO OBTAIN AN INDIVIDUAL PERMIT FOR A
9 REGULATED HELIUM EXPLORATION AND PRODUCTION ACTIVITY.

10 B. THE RULES FOR THE HELIUM EXPLORATION AND PRODUCTION GENERAL
11 PERMIT ADOPTED PURSUANT TO THIS SECTION MUST REQUIRE THE FOLLOWING:

12 1. THAT HELIUM EXPLORATION AND PRODUCTION WELLS BE DESIGNED,
13 CONSTRUCTED, OPERATED AND MAINTAINED TO NOT DISCHARGE A CONTAMINANT INTO AN
14 AQUIFER.

15 2. THAT THE GENERAL PERMIT BE NO LESS PROTECTIVE THAN THE
16 REQUIREMENTS OF 43 CODE OF FEDERAL REGULATIONS PART 3170, SUBPART 3172 AS
17 IN EFFECT ON DECEMBER 31, 2024.

18 3. THAT ANY OPERATOR OF A HELIUM EXPLORATION OR PRODUCTION WELL FILE
19 A PLAN OF WORK THAT INCLUDES, IN DETAIL, ALL CHEMICALS TO BE USED IN THE
20 OPERATION OF THE WELL AND THE VOLUMES OF THE CHEMICALS TO BE USED.

21 C. IN ADOPTING THE RULES, THE DIRECTOR SHALL REQUIRE THE APPLICATION
22 OF ALL ECONOMICALLY FEASIBLE TECHNICAL REQUIREMENTS THAT HAVE BEEN
23 DETERMINED BY THE DIRECTOR TO BE THE MOST PRACTICAL AND EFFECTIVE MEANS OF
24 PREVENTING THE DISCHARGE OF POLLUTANTS BY THE REGULATED HELIUM EXPLORATION
25 AND PRODUCTION ACTIVITY, BUT MAY NOT REQUIRE APPLICATION OF MORE STRINGENT

1 PRACTICES IF SUCH A REQUIREMENT WOULD RESULT IN CESSATION OF THE REGULATED
2 ACTIVITY.

3 D. IF THE DIRECTOR, AFTER PROVIDING A PERSON WITH NOTICE AND AN
4 OPPORTUNITY FOR A HEARING, DETERMINES THAT A PERSON HAS VIOLATED OR PLANS
5 TO VIOLATE THE RULES OF THE HELIUM EXPLORATION AND PRODUCTION GENERAL
6 PERMIT, THE DIRECTOR MAY DO ONE OR MORE OF THE FOLLOWING:

7 1. REVOKE THE HELIUM EXPLORATION AND PRODUCTION GENERAL PERMIT FOR
8 THAT PERSON

9 2. REQUIRE THAT THE PERSON OBTAIN AN INDIVIDUAL PERMIT PURSUANT TO
10 SECTION 49-241

11 3. SUBJECT THE PERSON TO ENFORCEMENT PURSUANT TO ARTICLE 4 OF THIS
12 CHAPTER.

13 E. THE DIRECTOR SHALL REEXAMINE, EVALUATE AND PROPOSE ANY
14 MODIFICATION TO OR WAIVER OF THE HELIUM EXPLORATION AND EXTRACTION GENERAL
15 PERMIT ONCE EVERY FIVE YEARS TO MEET THE REQUIREMENTS OF THIS ARTICLE.

16 Sec. 2. Rulemaking

17 The department of environmental quality shall publish a notice of
18 proposed rulemaking, consistent with section 1 of this act, pursuant to
19 section 41-1022, Arizona Revised Statutes, not later than six months after
20 the effective date of this act.

21 Sec. 3. Legislative intent

22 The legislature intends to reaffirm the public policy of this state
23 consistent with section 27-502, Arizona Revised Statutes, relating to the
24 conservation and development of natural resources, including helium."

25 Amend title to conform

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