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SAFETY-KLEEN CHANDLER  
EPA ID NO. AZD981969504  
ATTACHMENT A  
DRAFT PERMIT

**ATTACHMENT A**  
**GENERAL INFORMATION**

## Attachment A

### Part A General Information Requirements

**A-1**            **270.13(a),(m)**            ***Description of activities conducted which require facility to obtain a permit under the RCRA, and brief description of the nature of the business***

Safety-Kleen Systems, Inc. is an international service-oriented company whose customers are primarily engaged in automotive repair, industrial maintenance, and dry cleaning services. The company has been operating since 1968, offering solvent collection and reclamation services for its customers. Safety-Kleen is a leading provider of parts washer solvents, used oil collection, containerized waste services, vacuum services, total project management, and other environmental services to a wide array of customers in the automotive, metalworking, manufacturing, and other end markets.

The Chandler Service Center typically operates Monday through Friday from 7:00 AM to approximately 5:00 PM. The Branch General Manager has the ultimate responsibility of the facility's operations. In the event of his/her absence, a qualified designate will assume the responsibility.

This facility is an accumulation point for many used materials generated by Safety-Kleen customers, the majority of whom are conditionally exempt small quantity generators (CESQGs). Wastes are ultimately transported to a Safety-Kleen recycling facility, an authorized disposal site or a contract reclaimer for processing.

Property for the Chandler Service Center was purchased on March 16, 1987. This service center replaces the service center formerly located in Phoenix, Arizona and serves customers in the same geographic region. The facility is sited on approximately 2.1 acres, and has the following structures:

- 1) A nominal 8400-square-foot building with offices, a Return and Fill area with two drum washer units and a loading dock, and a contained warehouse area for container storage.
  - a) The office area has a second floor for a total nominal 4,405 square feet of office space.
  - b) The Return and Fill and loading docks are a nominal 2,314 square feet and
  - c) The warehouse is a nominal 3,750 square feet.
- 2) Two aboveground storage tanks with diking for spent solvent and spent antifreeze for recycling.
- 3) A tanker truck loading/unloading area with a lidded containment box around the fill pipes.
- 4) A third aboveground double-walled storage tank for clean solvent only.

**A-2, A-3**    **270.13(b)-(g)**  
**A-4, A-5**

***Name, Mailing Address, Location of Facility***

Facility Address: 6625 West Frye Rd  
Chandler, Arizona 85226

Facility Telephone Number: 480-940-7202

US EPA Identification Number: AZD 981 969 504

Geographic Location: 43.298406 N  
-111.955646 W

Facility Owner: Safety-Kleen Systems, Inc.  
2600 North Central Parkway, Suite 200  
Richardson, Texas 75080  
972/265-2000

Date of Purchase: March 16, 1987

NAICS Codes 562112, 484220, 484230, 532490

The facility is not located on Indian lands.

This facility is not a new facility. This is a revised application.

SAFETY-KLEEN CHANDLER  
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ATTACHMENT B  
DRAFT PERMIT

**ATTACHMENT B**  
**FACILITY DESCRIPTION**

## ATTACHMENT B

### FACILITY DISCRIPTION

**B-1**      **270.14(b)(1)**                      **General Description**

This facility is an accumulation point for many used materials generated by Safety-Kleen customers, the majority of whom are CESQGs. Wastes are ultimately transported to a Safety-Kleen recycling/disposal facility or a contract disposal or reclaimer for processing. There is no onsite hazardous waste processing or disposal. There are no land disposal units, injection or withdrawal wells, surface impoundments, or waste piles at the facility.

The following Exhibits are included as examples of containerized wastes managed or transferred through the facility:

Exhibit D1-4 Example Container Flow Diagram for SK's Customer Waste at Chandler Service Center (Note: there are waste streams managed at the facility as non-hazardous or transfer wastes. This is only to illustrate containers passing through the facility with no processing).

Exhibit D1-5 Example Flow Diagram Gun Cleaner (Paint Waste) at RC or other permitted process facility or reclaimer

Exhibit D1-6 Example Immersion Cleaner Process Flow at a Safety-Kleen Recycle Center or other permitted process facility or reclaimer

Exhibit D1-7 Example Dry Cleaner Process Flow at a Safety-Kleen Recycle Center or other permitted process facility or reclaimer

The Chandler Service Center was purchased on March 16, 1987. The Chandler Service Center is located in Maricopa County, about 1/2 mile south of Chandler Boulevard on West Frye Road and 1 mile west of I-10. The facility address is 6625 West Frye Road, Chandler, AZ 85226. This area is zoned for light industrial activities. To the best of Safety-Kleen's knowledge, there are no easements or title, deed, or usage restrictions that may be in conflict with the operations at this site. There are no known schools, critical habits, or wetlands within ¼ mile of the facility. The City of Chandler Roosevelt Well site fence line is approximately 1065 feet from the western most edge of the facility, while the Nozomi Park is just outside of the ¼ mile circumference of the site just past the Roosevelt Well to the west of the site.

Maricopa County covers approximately 9,226 square miles. The County has a population of over 3,800,000 in 2011. Chandler is located to the SE of Phoenix which is the capital city of Arizona and its largest city. Chandler is predominantly suburbs, but has several large industries including Microchip, Motorola and Intel.

The climate is characterized as cool during the winter and very hot in the summer. The average temperature in the winter in 40°F and in summer is 100°F. The average annual precipitation is 9.23 inches. The prevailing winds in Chandler are from southwest, but vary depending on the month of the year.

According to the Arizona Geological Survey Chandler is located in late and middle Pleistocene surficial deposits. This is an unconsolidated to weakly consolidated alluvial fan, terrace, and basin-floor deposits with moderate to strong soil development. Fan and terrace deposits are primarily poorly sorted, moderately bedded gravel and sand, and basin-floor deposits are primarily sand, silt, and clay. According to the City of Chandler all storm water is funneled to retention areas that allow the water to infiltrate, storm water from industrial areas at SK Chandler is captured in a holding pond, tested to drinking water standards and if it passes discharged to a dry well. The elevation at the Service Center is approximately 1,165 feet above sea level with flat or gently sloping terrain.

The City of Chandler supplies the Service Center with water through a 6-inch line off Frye Road. The drinking water supply comes through a 2-inch meter. The city's primary water supply is from the City of Chandler Surface Water Treatment Plant (SWTP). Approximately 4.5% of Chandler's total drinking water comes from a connection to the City of Mesa. The SWTP receives its water from the Salt and Verde Rivers by way of the consolidated canal. The SWTP provided almost 51.5% of the City's total drinking water supply in 2000. The City has a network of 25 ground water wells located throughout the city. The wells provide the remainder of the City's total drinking water for the year. The closest well to the Chandler site is the Kyrene Well site at the end of West Frye Road approximately 1065 feet from the SK site shown on Exhibit B-1. The City also maintains a sanitary sewer line through the industrial park. The Site Layout and Utility Plan is included as Exhibit B-6. Surface drainage in on the north side of the office building is accomplished through drainage and storage ditches located on West Frye Road.

**270.14(b)(8)(i)**

***Description of procedures, structures or equipment used to prevent hazards in unloading operations.***

The Chandler Service Center was designed to facilitate the handling and storage of the wastes resulting from the services offered by Safety-Kleen. Proper handling of hazardous waste is ensured through proper training. Employees are trained on hazardous waste procedures during their initial training and then annually. Proper handling of hazardous waste is ensured through proper training and use of proper equipment. When practicable, containers will be moved with a forklift, pallet jack, or drum dolly.

It is Safety-Kleen's standard operating procedure to use containers made of or lined with materials that will not react with, and are otherwise compatible with, the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired. Safety-Kleen will store and transport any incompatible wastes in accordance with 49 CFR 177.848 (segregation of hazardous materials).

**270.14(b)(8)(ii)**

***Description of procedures, structures or equipment used to prevent runoff from hazardous waste handling areas or to prevent flooding.***

Containers of hazardous waste are off-loaded from route trucks into enclosed storage areas. The containers are stored in an enclosed warehouse, and not subject to run on or run off. Tank storage is in a diked tank farm. The diking prevents run on and runoff. The containment system is constructed to contain the anticipated collection from a 24-hour, 25-year storm. Drums of used mineral spirits solvent are emptied in the Return and Fill which is

roofed and contained so that any material splashed, dripped, or spilled will not runoff.

Nonhazardous wastes and product may be stored outside.

The tank farm containment area is designed and operated to remove accumulated liquids through a 1.5' x 1.5' x 1.25' dry sump located in the containment dike. The tank farm floor and inner walls have been sealed with an epoxy coating as further described to D-2d(1)(b). Accumulated precipitation in the secondary containment system will be removed in a timely basis after detection. A visual inspection of the storm water for a sheen and discoloration will be conducted. If no sheen or discoloration is noted, the accumulated precipitation will be discharged from the tank farm to the surface of the facility. If sheen is noted, the precipitation will be pumped into an onsite storage tank, or a tanker or container for offsite management as hazardous unless tested and shown otherwise. If a solvent spill occurs within the containment dike, the spilled material will be completely removed. Should a spill occur and there is water present, a waste determination shall be made and the material will be managed as hazardous waste appropriately. Accumulated liquids will be removed by use of an intrinsically-safe pump, which must be placed into the sump, or via vacuum truck. An automatic pump is not present in the tank farm.

The operational non-building areas of the facility are paved with concrete.

**270.14(b)(8)(iii)**

***Description of procedures, structures or equipment used to prevent contamination of water supplies.***

The Chandler Service Center is operated in a manner that is protective of water supplies. Containers of waste are stored in enclosed storage areas and the transfer of parts washer solvent to the bulk storage tank is conducted over secondary containment. Bulk storage tanks are located within a diked tank farm that has adequate containment capacity. The facility is maintained to prevent waste materials migrating to the environment.

**270.14(b)(8)(iv)**

***Description of procedures, structures or equipment used to mitigate effects of equipment failure or power outages.***

A power failure would not result in a spill. Should a power failure occur, all activities requiring electricity will cease. The transfer pump used to pump the used solvent into the storage tank is electric and will fail during a power outage. No liquid can back flow from the tank because the fill line has a check valve at the tank. Since the tank is not pressurized, the lines will be in a stable state until the power is restored and the pump is restarted. The high level alarm on the tank requires electricity to operate. However, the only way used solvent can be transferred into the storage tank is via the transfer pump and the pump will not be operable during a power outage.

The transfer pumps used to pump clean solvent into the storage tanks, or remove used solvent from the tank are located on the transport vehicles so a power failure will not have any effect on removal of material from the tank.

**270.14(b)(8)(v)**

***Description of procedures, structures or equipment used to prevent undue exposure of personnel.***

All Safety-Kleen employees receive extensive training on recognizing hazards in the workplace and how to avoid or best manage them. Safety-Kleen's Health and Safety department completes hazard assessments for all branch activities and issues a Personal Protection Equipment Matrix that all employees are required to follow. An example PPE Matrix is included as Exhibit F-6. There is an emergency eyewash/shower located in the Return and Fill area and a second unit in the Container Storage Area. An emergency eyewash is located on the north wall of the site across from the tank farm. There is a standard shower located on the second floor of office area that can be used to decontaminate in the event of accidental contact with contaminants and end-of-day decontamination.

**270.14(b)(8)(vi)**

***Description of procedures, structures or equipment used to prevent releases to the atmosphere.***

The tank system is equipped with a high level alarm which indicates when the tank is 95% full. The high level alarm is inspected each operating day for proper functioning of electrical and mechanical components. The volume of used solvent in the bulk storage tank is visually monitored each operating day to ensure adequate capacity for the day's activities. In order to prevent releases from the hazardous waste storage tank, the tank is equipped with a high level alarm that is activated by a float. If the level in the tank is 95% of capacity, the float activates a switch which activates both visual and audible alarms. The transfer pump is also disabled so that the tank will not overflow.

The tank is equipped with a pressure/vacuum vent which operates at two ounces of pressure and one ounce of vacuum. The specific gravity of the hydrocarbon-based parts washer solvents is approximately 0.8 and the vapor pressure is less than 2mm at 68 degrees F. Tanks and piping are inspected each operating day for signs of deterioration. With the exception of the parts washer solvent drums that are emptied into bulk storage, containers of hazardous waste are not opened while onsite. The containers are inspected each operating day (when the facility is in operation) for signs of deterioration.

The wet dumpster/drum washer is inspected each operating day for signs of deterioration. The wet dumpster/drum washer is equipped clam shell lid that is closed when the unit is not in operation.

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**ATTACHMENT C**  
**WASTE ANALYSIS PLAN**

## ATTACHMENT C

### WASTE ANALYSIS PLAN

Waste analysis requirements mandate that before an owner or operator transfers, treats, stores, or disposes of any hazardous waste, detailed chemical analysis of a representative sample of the waste must be obtained. This analysis, at a minimum, must contain all of the information that must be known to transfer, treat, store, or dispose of the waste. The analysis may include data developed under 40 CFR 261 of the regulations and existing published or documented data on the hazardous waste or on hazardous waste generated from similar processes. The Waste Analysis Plan for the Safety-Kleen Chandler Service Center has been developed to meet the Waste Analysis requirements described above and as found in 40 CFR 270.14(b) and 264.13.

#### ***Chandler Permitted Waste Streams and Applicable Waste Code Table***

WASTE DESCRIPTION	EPA WASTE <sup>6</sup> CODES	DESIGN CAPACITY <sup>1</sup>	ESTIMATED ANNUAL AMOUNT <sup>2</sup>	STORAGE AREA
Used Parts Washer Solvent 150 Bulked	D001, D039 <sup>4</sup>	12,000	600	Bulk Storage Tank (S02)
Used Parts Washer Tank Bottoms	D001, D039 <sup>4</sup>	Included Above	25	Bulk Storage Tank (S02)
Used Antifreeze	None	12,000		Bulk Storage Tank (S02)
Used Parts Washer Solvent 150	D039 <sup>4</sup>	2 x 162	Included Above <sup>5</sup>	Wet Dumpster/Drum Washer (S02)
Used Parts Washer Solvent 150	D039 <sup>4</sup>	17,160 <sup>3</sup>	Included Above <sup>5</sup>	Container Storage Area 1 (S01)
Used Aqueous Brake Cleaner	None	Included Above		Container Storage Area 1 (S01) <sup>7</sup>
Used Aqueous Part Cleaner	None	Included Above		Container Storage Area 1 (S01) <sup>7</sup>
Branch Contaminated Debris	F002, F003, F005, D001 <sup>8</sup> D004, D005, D006, D007, D008, D009, D010, D011, D018, D019, D021, D022, D023, D024, D025, D026, D027, D028, D029, D030, D032, D033, D034, D035, D036, D037, D038, D039, D040, D041, D042, D043	Included Above	12	Container Storage Area 1 (S01)
Dumpster Sediment/Sludge/Mud	D001 <sup>4</sup>	Included Above	25	Container Storage Area 1 (S01)
Used Immersion Cleaner	D006 <sup>4</sup>	Included Above	6	Container Storage Area 1 (S01)
Dry Cleaning Waste (Perchloroethylene)	D039, F002 <sup>4</sup>	Included Above	20	Container Storage Area 1 (S01)
Dry Cleaning Waste (Naphtha)	D039 <sup>4</sup>	Included Above	4	Container Storage Area 1 (S01)
Paint Waste	F003, F005, D001 <sup>4</sup>	Included Above	22	Container Storage Area 1 (S01)
Silver-Containing Film	D011	Included Above	2	Container Storage Area 1 (S01)
Used Antifreeze	None	Included Above		Container Storage Area 1 (S01)

<sup>1</sup> The design capacity in gallons (Note: The facility restricts the amount stored in the tank to 95% capacity, approximately 11,400 gallons).

<sup>2</sup> The estimated annual amount in tons

<sup>3</sup> The total amount of liquid product and waste stored in the Warehouse will not exceed 17,160 gallons. This container storage area design limit is based on ten times 2,160 gallons (1,726 gallons floor and 450 gallons trench) minus 20 percent for pallet, container, and miscellaneous equipment displacement.

<sup>4</sup> In addition to the code(s) listed above, these codes may be applicable: D001, D004, D005, D006, D007, D008, D009, D010, D011, D018, D019, D021, D022, D023, D024, D025, D026, D027, D028, D029, D030, D032, D033, D034, D035, D036, D037, D038, D039, D040, D041, D042, D043

<sup>5</sup> Drums of used parts washer solvent may be stored temporarily in CSA or the Return & Fill Area until added to the bulk solvent tank. Total annual volume expected to be at 600 tons.

<sup>6</sup> Waste codes are reassessed annually or more often as needed. There may be some small changes in the waste codes (For example, see the changes from last year to this year in the re-characterization data in Exhibit C-9). The customer may select codes different than Safety-Kleen codes based on the customer's waste characterization.

<sup>7</sup> Used Nonhazardous aqueous cleaners may also be stored in the Return and Fill area while waiting to be dumped or in the parking area.

<sup>8</sup> Waste codes for the Branch Debris are self-assigned and based on the codes possible from the other permitted waste streams. The Branch Debris is primarily composed of rags used to wipe down parts washers while servicing them in the field. Thus all codes which could be on the other permitted streams are included in The Branch Debris.



washer solvent. However, the "solvent" is an aqueous system rather than a petroleum naphtha solvent. This aqueous parts washer solution can be used for cleaning routine oily parts or specialize in cleaning brakes. Spent aqueous parts cleaner is typically non-hazardous. In its typical nonhazardous form aqueous parts washer solvent is disposed of offsite via waste water treatment. Occasionally a generator will assign codes to the aqueous solvent, when this is the case, it is handled as 10-Day transfer waste and shipped on to another TSD for proper disposal.

- ii. Parts Washer Solvent Tank Bottoms (Tank Bottoms) –Periodically it is necessary to remove sediment and other heavy material that has accumulated at the bottom of the tank. This is done when the sludge impacts, or may impact the ability to pump from the bottom outlet of the tank in the next year. This normally is required every two years. This occurs at the same time as the regular bulk solvent shipment. A tanker first removes as much of the free solvent liquid as possible to bring the level in the tank below the side manhole. The side manhole cover is removed and a non-sparking stinger (a long pipe extension) whose length is greater than or equal to the width of the tank is used to remove the tank bottoms via the vacuum truck. For applicable waste codes, see the above Table at the beginning of Section C.
- iii. Dumpster Sediment (Drum Washer) – Sediment accumulates in the bottom of the dumpsters (drum washer unit) in the R & F station. This sediment is manually removed with a scoop. This is placed into a waste container and managed as hazardous waste. This sediment is removed periodically to ensure operations are not impaired by excessive accumulation. The chemical composition of this waste is analogous to that of the parts washer solvent tank bottoms. The facility ultimately ships this material to a Safety-Kleen Recycle Center, contract reclaimer, or other properly permitted facility. A sample of this material is obtained from the accumulation drum at the time of the AR sampling and submitted to a certified lab for characterization. For applicable waste codes, see the above Table at the beginning of Section C.

Immersion cleaner is another type of parts washer solvent; however it is managed in containers. See appropriate SDS for IC in Exhibit G-3.4. Containers of used immersion cleaner are placed in a container storage area of the warehouse. Immersion cleaner remains in the container in which it was originally used until it is received at the recycle center. For appropriate waste codes see Table at beginning of Section C.

#### **C.1.1 (b) Wastes Resulting from the Dry Cleaner Service**

Safety-Kleen manages only two types of hazardous dry cleaner waste in our permitted areas: perchloroethylene and naphtha (mineral spirits). There can be three forms of the waste: bottoms, filters, and separator waters. These wastes are packaged on the customers' premises in containers meeting U.S. DOT specifications. When received at the facility, the containers are placed in Container Storage Area (CSA) of the warehouse. Dry cleaning wastes remain in the containers received from the customer until it is received at the recycle center or other

appropriately permitted facility.

To help understand the waste generated from the dry cleaning industry, a summary of the dry cleaning machine process is provided. During the wash cycle, the wash chamber is filled approximately one-third full of (perchloroethylene) solvent and begins to rotate, agitating the clothing. The solvent temperature is maintained at 30° Celsius (86° Fahrenheit), as a higher temperature may damage the clothing. During the wash cycle, the solvent in the chamber (commonly known as the 'cage') is passed through a filtration chamber (containing the filter cartridges) and then fed back into the 'cage'. This is known as the cycle and is continued for the wash duration. The solvent is then removed and sent to a distillation unit comprised of a boiler and condenser. The condensed solvent is fed into a separator unit where any remaining water is separated from the solvent and then fed into the 'clean solvent' tank.

- i. Filter Cartridges: Filter cartridges are generated as waste when they can no longer effectively filter the solvent in the chamber. In addition to the filter materials of construction consisting of steel, paper, clay, and carbon, the used cartridge retains solvent, oil and grease, lint, hair, and soil. Solvent retained in the filter cartridge generally amounts to less than 50 percent of the total cartridge weight. Dry cleaner filters are given the same waste codes as the associated dry cleaner bottoms because both streams are derived from the same source. Designating the same codes for the filters as were used for the bottoms is a conservative approach. A representative filter sample is difficult to obtain because of the make-up of the filter (metal core) and obtaining the sample would involve dismantling of the filter and undue exposure to the dismantler
- ii. Still Bottom Residue and Separator Water: Still bottom residue and separator waste are generated after filtration and distillation at the generator to remove the dissolved materials from the used solvent. The dissolved materials (still bottom residues) are in liquid form and consist primarily of solvent, oil, grease, hair, dirt, and water. In some cases, the dry cleaner will separate the water condensate from the still residue. Water condensate, generated during the distillation process, may contain dry cleaning solvent, oil, grease, and dirt as well. The dry cleaning separator water will be given the same waste codes as the associated bottoms with the omission of D007 because chromium is not expected to carry over into the separator water during the distillation process (i.e., the boiling point of chromium is much greater than the operating temperature of the distillation unit).

The EPA hazardous waste codes assigned to the streams are based on the AR data. The primary codes for the perchloroethylene streams are F002, D007, D039 and D040, while the primary codes for naphtha streams are D001, D039 and D040. A cross reference of the permitted waste streams and the AR Data is found in Exhibit C-16. This chart also cross references the constituents of interest for the F-coded wastes. Underlying Hazardous Constituents (UHCs) can be found in Exhibit C-4.1.

### **C.1.1 (c) Wastes Resulting from Paint & Thinner Service**

Paint wastes consist of Safety-Kleen's thinners and paint residues resulting from cleaning of the generator's paint guns. Paint wastes do not include paint cans, or drums of pure paint no longer needed by our customer. Should a customer have need of disposing of these non-core waste streams, they are removed as individually profiled waste streams and are not handled in our permitted areas. Non-core paint wastes are shipped direct for fuels blending or other appropriate disposal to a facility permitted for those streams.

Safety-Kleen divides its core paint wastes into three streams, paint gun cleaner, Clear Choice paint gun cleaner and paint waste other. The first two streams are come directly from thinners that Safety-Kleen provides to generators for use in our paint gun cleaners.

- i. Paint Gun Cleaner is a variety of paint gun cleaning lacquer thinners containing a blend of solvents such as acetone, alcohols, ketones, toluene, xylene, and acetate compounds. These have primary waste codes of D001, F003 and F005. These are contaminated with lower levels of waste paint the gun cleaning machine is removing from the paint sprayer during the cleaning operation. Safety-Kleen's core paint waste is typically recycled and fuel blended.
- ii. Clear Choice Paint Gun Cleaner: This material is supplied acetone, so the F005 waste code does not apply to this waste stream. Other applicable waste codes are D001 and F003. The two Paint Gun Cleaner streams share the same AR data because the waste streams are similar due to the identical process generating the wastes. Additional pertinent waste codes are shown in the Waste Code Table at the beginning of this section.
- iii. Paint Waste Other is the third waste stream of paint waste. This consists of the same material as the Paint Gun Cleaner but has a higher level of paint solids as this comes from the dumping of left over paint from paint cups and guns when all the paint in a paint gun is not used. During the process creating this waste by the generator, smaller volumes of thinner end up in the waste so these drums are fuel blended or incinerated rather than recycled for their solvent value. The primary waste codes are D001, F003 and F005. Additional pertinent waste codes are shown in the waste code table at the beginning of this section. The core paints waste streams are all found in the AR table under the section titled Paint Gun Cleaner.

The core paint wastes are collected in containers meeting U.S. DOT specifications at the customer's place of business and the containers are then palletized and stored in the Container Storage Area.

### **C.1.1(d) Wastes Resulting from Antifreeze Service**

Used Antifreeze is categorized into three categories; Automotive, Non-Automotive, and High Risk. All antifreeze is recycled as is non-hazardous; all non-automotive and high risk used antifreeze is profiled by trained Safety-Kleen representatives to ensure the waste is not RCRA hazardous waste. If applicable, it is subject to a complete hazardous waste determination (to include analytical) to ensure it is non-hazardous prior to collection. Issues that might trigger the

requirement to undergo a complete hazardous waste determination include but are not limited to: The generator being unsure of the process generating the waste; the generator being unsure of the materials entering the waste stream, or the materials toxicity.

This program follows procedures to ensure the material collected is non-hazardous according to the following guidelines: (Oregon Department of Environmental Quality - Used Antifreeze Management Policy 1997-PO-004, and Arizona's Best Management Practices for used antifreeze. A copy of the Oregon Used Antifreeze Policy is located in Exhibit C-20. Checklist used at the Industrial used antifreeze customer sites and for training Safety-Kleen personnel are found in Exhibit H-5.

"Based on available analytical studies, used antifreeze generated from motor vehicles, motorized equipment, industrial/commercial processes and deicing activities, that is recycled and managed according to certain best management practices (Storage containers/tanks in good condition, properly labeled and managed in a way that prevents releases, not mixed with used oil, solvents or other materials – etc.), generally does not exhibit hazardous waste characteristics. Therefore, used antifreeze managed according to these best management practices is presumed to be managed in accordance with the State's hazardous waste regulations".

All industrial (non-automotive and high risk) used antifreeze is profiled by trained Safety-Kleen representatives. If applicable, it is subject to a complete hazardous waste determination (to include analytical) to ensure it is non-hazardous prior to collection. Issues that might trigger the requirement to undergo a complete hazardous waste determination include but are not limited to: The generator being unsure of the process generating the waste; the generator being unsure of the materials entering the waste stream, or the materials toxicity. Industrial used antifreeze may be managed in two ways; these materials may be collected in containers meeting USDOT specifications from the customer's premises, or they may be collected using a high volume tank truck. The materials are picked up on a periodic basis and transported back to the service center where they may be stored prior to shipment to a recycler. Industrial used antifreeze may also be collected by a high volume tanker truck. Large volumes are collected from the customer's premises and then transported back to the service center where the material may be off-loaded into the 12,000 gallon used antifreeze tank on site via the tank access connector.

Accumulated used antifreeze will be transferred periodically from the 12,000 gallon tank to a tanker truck for transport to an offsite recycler.

#### **C.1.1(e) Wastes Resulting from Photo Imaging Service**

Safety-Kleen collects photographic imaging wastes which consists of silver bearing materials (i.e., silver plate, silver photographic film, fixer and other associated photographic solutions) for recycling of the silver. Customers are typically paid for the silver based on the weight of material and form of silver. These silver bearing materials are transported to a Safety-Kleen recycle facility or a third party facility for reclamation of precious metals.

#### **C.1.1(f) Wastes Resulting from Used Oil Service**

Like the spent antifreeze, used oil is collected from generators in tank trucks. The oil is transferred to rail tank cars and transported to a recycling center for recycling, or may be transported directly to an oil processing site.

#### **C.1.2 Branch Generated Waste**

In the process of servicing clients and maintaining the branch the site will occasionally produce waste streams of their own. The routine ones are listed here:

- i. Branch Debris: Solid and liquid debris wastes are accumulated at the return and fill station or are created when performing routine parts cleaner services at client sites. Typically, wastes such as absorbents, PPE, stones, liquids, etc. are placed in satellite accumulation in the return and fill area, but this material may also be combined with the drum washer/dumpster unit sediment. When the container is full it is moved to one of the container storage areas. For appropriate waste codes see Exhibit C-9.
- ii. Oil Retains: Oil and Vacuum waste retain samples are collected from every client tank before pumping. . Each sample is labeled with information identifying the client and date of collection. These samples are placed in a retain sample cabinet and held typically for 90 to 120 days, in case there is any question about contaminants in the original material during the recycling or disposal. Once the samples are no longer needed they are placed in a drum and shipped for disposal. Waste codes applied may vary but typically include D001, D007, D008, D018, D039 and D040.
- ii. Oily Debris: Oily debris is composed of used COLIWASAs from sampling oil and vacuum waste tanks, rags from wiping off sample containers and debris caught in the filter trap of the oil and vacuum tanker trucks (composed of paper, cups, rags, trash, etc.). Safety-Kleen has deemed this waste stream to be non-regulated, as the material is made up of > 75% absorbents-rags-paper-plastic, any vacuum waste was previously tested and shown to be nonhazardous, the oil was tested and past the Chlor-D-Tect test.
- iii. Fluorescent Light Bulbs: The site occasionally disposes of old light bulbs as universal waste once they stop functioning.
- iv. Other waste streams are disposed of on an as needed basis. Typically these come about during a maintenance process which has left over hazardous material. These materials are characterized from the Safety Data Sheet accompanying the product. These include aerosol cans with left over product in them, or that are still pressurized, and batteries that are past their useable life.

Branch generated waste will either be stored in CSAI or if appropriate as satellite accumulation waste per requirements in accordance with 40 CFR 262.34(c).

C(1) allows a generator to accumulate as much as 55 gallons of hazardous waste in containers at or near any point of generation where wastes initially accumulate which is under the control of the operator of the process generating the waste, without a permit and without complying with paragraph (a) or (d) of this section provided he:

- (i) Complies with §§265.171, 265.172, and 265.173(a) of this chapter; and
- (ii) Marks his containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.

C(2) If hazardous waste in excess of 55 gallons at or near any point of generation is accumulated it will be moved within three days to CSAI for storage. Safety-Kleen will mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

Safety-Kleen will not use satellite accumulation for storage of acutely hazardous waste.

**Waste Compatibility  
With Containers**

Safety-Kleen manages a limited number of permitted waste streams, almost all of which are liquid, and most of which originate from new products that are supplied to its customers in the original DOT approved drums. Safety-Kleen has evaluated the chemical composition of these products and wastes and has determined that the wastes are compatible with the containers in which they are stored.

Note: None of the permitted streams carry the D002 waste code for corrosivity. In most cases where a container is not available from a Safety-Kleen-supplied product, Safety-Kleen supplies the customer with a DOT approved drum for that waste type (e.g. when Safety-Kleen collects Dry Cleaning filters).

**C-1b      270.16(a)                      Waste Compatibility with Tank System  
             264.190(a)  
             264.191(b)(2)  
             264.192(a)(2)**

Only waste parts washer solvent and non-hazardous antifreeze are stored in the aboveground storage tanks. These materials has been analyzed and found to be compatible with the steel tank in which it is stored. In addition, antifreeze and parts washer solvent are compatible as shown in their Safety Data Sheets.

**C-1c                                      Waste in Piles  
Thru**

**C-1i                                      Wastes on Drip Pans**

The Safety-Kleen Chandler facility does not have any of these processes on the site.

**C-2                                      Waste Analysis Plan  
             270.14(b)(3)  
             264.13(b),(c)**

Waste analysis at the Safety-Kleen Chandler Service Center is a three-step process that includes:

- Prescreening of customers
- Qualitative/visual analysis and
- Quantitative analysis (lab analysis)

**Prescreening of Customers**

Safety-Kleen performs a customer prescreening for all parts washer and immersion cleaner service customers. The other permitted waste streams (dry cleaning wastes and paint wastes) are generated from facilities where there is one process generating hazardous waste and the possibility of cross-contamination from other chemicals or wastes is minimal. These wastes remain in the container they were originally packaged until received at a Safety-Kleen Recycle Center or other properly permitted recycling or disposal facility. These waste containers remain

closed from customer to final disposition.

Prior to leasing a parts cleaning machine or placing a Customer Owned Machine (COM) service, the customer's business is reviewed. Where the possibility exists for contamination of the parts cleaner solvent (e.g. pesticide, herbicide, or pharmaceutical operations), operations are reviewed to ensure that the solvent is protected from the sources of contamination. In reviewing a customer's business, the Safety-Kleen Representative provides customers with written and verbal information on use of the equipment. This information will contain at a minimum:

- Proper usage and management of the unit
- Information on the reasons to not add materials to the unit, and
- Examples of what not to add to the unit

An example of the Waste Agreement provided at the time a new machine is placed at a customer location is included as Exhibit C-18. Each time a customer is serviced, they are provided with the same Waste Agreement language on the printed receipt.

The example "Waste Material Profile Sheet" (Exhibit C-5) is submitted electronically to an individual in Safety-Kleen's Central Profile Group who reviews the profile for completeness and accuracy. This team of technical waste experts' checks that the appropriate codes are applied to the waste and identify how the waste will be treated, recycled or disposed of. In addition, they will determine if the company can safely handle the material. If the generator has not supplied sufficient information to access the material they will request additional information that may include testing or a sample for running necessary tests on the material.

### **Qualitative/Visual Analysis**

Safety-Kleen conducts qualitative/visual analysis as a part of all parts washer and immersion cleaner services. Qualitative/visual analysis is not conducted on the dry cleaning and paint waste streams as these containers are not opened by the Safety-Kleen service representative and the likelihood of contamination is remote.

Safety-Kleen representatives are instructed to visually examine the used solvent (parts washer and immersion cleaner) when the machines are serviced, noting the quantity, odor, and appearance of the material recovered as follows:

- i. The quantity of used solvent in the drum – When the amount of parts cleaner solvent or immersion cleaner fluid is more than 10% greater than originally supplied, the container will not be accepted. Contingent on the customer's responses to Safety-Kleen's inquiry regarding the customer's operation and handling practices, the solvent is accepted or left with the customer until an analysis is completed to determine its acceptability.
- ii. The odor of the liquid in the container – Personnel must never make an effort to "sniff" the solvent. However, if in the normal course of servicing the customer, the odor of the fluid in the container is noticed to be different from that of parts cleaner

solvent or immersion cleaner, the container will not be accepted. Contingent on the customer's responses to Safety-Kleen's inquiry of the customer's operation and handling practices, the solvent is accepted or left with the customer until an analysis is completed to determine its acceptability.

- iii. The appearance of the liquid in the drum – The used parts cleaner solvents have a normally brown or black appearance. Certain contaminants containing dyes and color pigments (such as transmission fluid, soy-based printers' ink, and water-based paints) may change the color of the used parts cleaner solvent to other colors. Used immersion cleaner should have a dark brown to almost black appearance. The immersion cleaner is a single-phase liquid. Liquids in the containers which deviate from the above description or which contain substantial amounts of water, and /or high density solvent at the bottom will be set aside for sampling and possible analysis to determine its acceptability.

If the material passes the three qualitative/visual analyses shown above the material is noted as having passed the QC in our service document (typically a handheld computer printout).

As indicated in each of the qualitative/visual analysis, if the answer to the inquiry to why the test (quantity, odor and appearance) were not acceptable, then the material is left behind for further testing. A Market Sales Specialist will return to the site to sample the material should the generator request Safety-Kleen to assist in managing the material. The sample will be sent to a third party certified laboratory for testing. A Waste Material Profile Sheet (exhibit C-5) will be completed and once approved the waste will be managed as containerized transfer waste for disposal.

At the Service Center, the Safety-Kleen Representative or Material Handler again observes the quantity, odor, and appearance prior to emptying the parts washer solvent into the drum washer unit. Drums with questionable contents will have the issues reviewed with the generator and depending on the results of the investigation may be processed as is, rejected back to the client, sent to a lab for further analysis and/or profiled and rejected to an alternate TSDF.

In addition, receipt analysis is performed by the Safety-Kleen Recycle Centers on all inbound bulk solvent deliveries. Receipt analysis typically includes a screen for atypical flash point, PCBs, and halogenated organics.

Antifreeze wastes will meet Safety-Kleen's criteria for acceptance prior to pick up to include color, odor, etc. Non-Automotive and high risk wastes are profiled prior to collection by trained Safety-Kleen Sales Representative to ensure the materials are RCRA nonhazardous. Antifreeze wastes are collected from facilities where generally one process is managed and the possibility of cross contamination from other chemicals or wastes is minimal. The contents of the containers are verified by the Safety-Kleen sales representative at the customer's location. Antifreeze is collected at the customer's location in a tanker truck, or in containers. All non-automotive and high risk antifreeze accounts are individually profiled prior to acceptance. If questions arise as to whether the antifreeze meets RCRA non-hazardous status, a complete hazardous waste determination to ensure proper waste management is conducted. Antifreeze may be transferred into the used antifreeze tank on site, into totes, or directly into a different tanker truck parked on site. Periodically a tanker truck is dispatched to the Service Center where the contents of the used antifreeze tank, the individual totes, or containers are transferred into the tanker truck for transport to a recycle

center.

**Pre-Acceptance Criteria and Testing Permitted Waste Streams Table**

Waste Stream	Pre-Acceptance Criteria	Test Method	Acceptance Results
Used Parts Washer Solvent	Volume	Visual	No more than 10% over original
	Odor	Observation	Solvent like
	Color	Visual	brown or black appearance
Used Aqueous Brake Cleaner*	Odor	Observation	No strong gasoline or thinner odor
	Color	Visual	Light brown to black appearance
Used Aqueous Part Cleaner	Odor	Observation	No strong gasoline or thinner odor
	Color	Visual	Light brown to black appearance
Used Immersion Cleaner	Volume	Visual	No more than 10% over original
	Odor	Observation	Solvent like
	Color	Visual	dark brown to almost black appearance
Used Antifreeze	Not mixed with any other waste	Visual from Retain Sample	< 10% organic layer
	Odor	Observation	No strong gasoline or thinner odor
	Color	Visual	Varies green, pink, yellow, light brown

\*Aqueous Brake Cleaner is collected in a 5-gallon carboy container and is not QC'd in the field. However, if the Aqueous Brake Cleaner is poured off at the site, like other poured off materials it is assessed while being poured off by the personnel.

**Quantitative Analysis (Lab Analysis)**

After 50 years of servicing over 250,000 parts washer customers each year, Safety-Kleen has determined that the wastes generated by its customers are relatively homogeneous. The homogeneity of these wastes is evaluated annually through the Safety-Kleen AR process (Quantitative Analysis).

Analytical data from the Recharacterization sampling is subjected to an EPA SW846 approved statistical model (see Exhibit C-2). The Chandler facility is routinely included as one of the facilities sampled in the process for the waste streams included in this permit. In addition, waste samples come from a variety of Safety-Kleen facilities across the country and is representative of the Chandler facility.

Samples included in the AR process are selected from random customers serviced by Safety-Kleen facilities. Randomness is obtained by the Safety-Kleen Technical Center, which manages the AR program, selecting the month that the samples will be taken. Generator services are typically scheduled months in advance and those clients whose waste happens to be on hand on the month selected by the Technical Center will be the wastes that will be sampled. Exhibit C-1 depicts the facilities where AR samples have pulled over the last 10 years. Not every location is sampled every year.

The waste streams collected by Safety-Kleen are uniform across business types and geographical locations. This is demonstrated by the minimal changes in the codes assigned to each stream through the AR statistical evaluation each year via the Non-parametric Upper Confidence Interval Approach.

When subjecting AR sample data to the Non-parametric Upper Confidence Interval Approach, the last 3 years of analytical data for a given waste stream is used from samples pulled from across the country (in most cases). For example, statistically based waste codes assigned to a particular core waste stream in 2014 are based on samples analyzed in 2011, 2012, and 2013. Ideally 50 data points are used but at least 30 data points are required. If 30 data points are not available from samples pulled in 2011/2012/2013, samples from 2010 were also incorporated into the population.

In reviewing with Dr. Gibbons how the number of data points was derived he wrote in a recent email ...*“This is a nonparametric upper confidence limit (see Gibbons, Bhaumik and Aryal, 2010 section 18.7) which is defined by an order statistic (i.e. a rank) of the data. There is nothing magical about 30 or 50, but 50 is good because the median is the average of the 25<sup>th</sup> and 26<sup>th</sup> highest values and the UCL is the 31<sup>st</sup> largest value, which provides a reasonably tight confidence limit (i.e. not an extreme value).”*

Homogeneity of the streams was further confirmed in 2004. In 2004, Safety-Kleen conducted an Annual Recharacterization using California-only customer data. Safety-Kleen conducted a statistical comparison of the ‘California only’ Annual Recharacterization result with the results from the National AR. Note the conclusion that California customer wastes are no different than the streams generated by Safety-Kleen customers in the rest of the country.

The waste streams included in the Safety-Kleen AR process are by their nature consistent and predictable. The process includes streams generated by Safety-Kleen customers and terminated as permitted streams at Safety-Kleen facilities as well as streams generated by Safety-Kleen facilities. Waste streams included in the Recharacterization process for 2015 were:

<b>CUSTOMER GENERATED</b>	<b>SAFETY-KLEEN GENERATED</b>
Immersion Cleaner	Bulk Solvent
Parts Washer Solvent Premium	Dumpster Sludge
Paint Gun Cleaner/Paint Wastes/Clear Choice	Tank Bottoms
Dry Cleaner Related Streams (Perchloroethylene, Naphtha)	
Aqueous Brake Cleaner	
Aqueous Part Cleaner	

Final AR (National) Waste Code Assignments are included in Exhibit C-9.

To adequately characterize the permitted waste streams handled by the Chandler branch each core waste stream will be sampled and submitted to the lab for TCLP analysis. The samples will be pulled randomly based on the month the site is told to take the samples and the day of the sampling event. The only time S-K will not sample is if no waste is received for a particular waste stream in the designated month, we will then take the next drum received of that waste stream in the following months as long as one is received by the end of the sampling program that year.

Note: All samples pulled during the Recharacterization sampling event are identified by customer and date. If the analytical from a sample pulled during the Recharacterization process determines a customer’s waste is non-conforming, that customer’s waste will be excluded from the Safety-Kleen core waste program. Future pickups of waste from any non-conforming customer will be profiled and managed through Safety-Kleen’s containerized waste program.

Details on the statistical method employed by Safety-Kleen for its AR process are included in Exhibit C-2. As noted in this Exhibit, the statistical method has been developed and is conducted in accordance with U.S. EPA SW846 Chapter 9 (September 1986) guidance on determining if a waste is hazardous. Non-parametric Upper Confidence Interval Approach U<sup>th</sup> Values.pdf can be found in Exhibit C-13.

See the Statistical Approach Applied to Premium Solvent in Exhibit C-14 for an example of how Non-parametric Upper Confidence Interval Approach is applied to Premium Solvent analytical data. Below is a brief explanation.

- The data set for a given waste stream uses the last 3 years of analytical data. For example, statistically based waste codes assigned to Premium Solvent in 2014 are based on samples analyzed in 2011, 2012, and 2013. Ideally, 50 data points will be available for each waste stream, but at least 30 are required. If 30 data points are not available for a waste stream for the last 3 years, Safety-Kleen will go back a fourth year and incorporate data into the model.
- If a result (spreadsheet column D) is non-detect (i.e., Qualifier = U in column G), then half the quantitation limit (QL) will be used for ranking in the statistical analysis.
- Data is sorted by parameter and ranked from lowest to highest concentration (top down) except for flash point data, which will be ranked from highest to lowest value. Ranked data is listed in column E of the spreadsheet. The U<sup>th</sup> value will be determined based on the number of data points (see attached Gibbons Model U<sup>th</sup> Values.pdf). The U<sup>th</sup> value for a specific parameter is highlighted in yellow in the spreadsheet. A waste code will be assigned if the U<sup>th</sup> value is equal to or above the regulatory limit.
- Data is sorted by parameter and ranked from lowest to highest concentration (top down) except for flash point data, which will be ranked from highest to lowest value. Ranked data is listed in column E of the spreadsheet. The U<sup>th</sup> value will be determined based on the number of data points (see attached Non-parametric Upper Confidence Interval Approach U<sup>th</sup> Values.pdf). The U<sup>th</sup> value for a specific parameter is highlighted in yellow in the spreadsheet. A waste code will be assigned if the U<sup>th</sup> value is equal to or above the regulatory limit.

Using the attached file (Exhibit C-14 Statistical Approach Applied to Premium Solvent) as an example...n=73 for 1,1-dichloroethylene. All 73 results for 1,1-dichloroethylene are non-detect. However, only 1 out of 73 samples has a reporting limit above the regulatory limit of 0.7 mg/L. In other words, we can positively state that 72 out of 73 samples were non-haz for 1,1-dichloroethylene. Non-detects, in a situation like this, have no impact on the rank order statistics. In fact, you could apply any of the following methods risk assessors utilize for handling non detects, and the rankings would be identical for this example.

<http://www.epa.gov/reg3hwmd/risk/human/info/guide3.htm>

1. Non-Detects handled as RLs - In this highly conservative approach, all non-detects are assigned the value of the RL, the largest concentration of analyte that could be present but not detected. This method always produces a mean concentration which is biased high, and

- is not consistent with Region III's policy of using best science in risk assessments.
2. Non-Detects reported as zero - This is the best-case approach, in which all undetected chemicals are assumed absent. This method should be used only for specific chemicals which the risk assessor has determined are not likely to be present.
  3. Non-Detects reported as half the RL - This approach assumes that on the average all values between the RL and zero could be present, and that the average value of non-detects could be as high as half the detection limit. This method (or method 4, below) should be used for chemicals which the risk assessor has determined may be present below the RL
  4. Statistical estimates of concentrations below the RL - Use of statistical methods to estimate concentrations below the RL is technically superior to method 3 above, but also requires considerably more effort and expertise than the three simpler methods. Also, these statistical methods are effective only for data sets having a high proportion of detects (typically, greater than 50%). Therefore, statistical predictions of concentrations below the RL (as described by Gilbert [1987] and reviewed by Helsel [1990]) are recommended only for compounds which significantly impact the risk assessment and for which data are adequate

In the Annual Recharacterization data, the "Reporting Limit" (Column H), often referred to as a Practical Quantitation Limit (PQL)/Quantitation Limit/etc., is the lowest concentration that can be reliably achieved within the specified limits of precision and accuracy during routine laboratory operating conditions. If the lab reports a concentration below the reporting limit, the result will be qualified with the letter "J".

- When the lab reports non-detect for a given parameter and the reporting limit is equal to the regulatory threshold for that parameter, you are able to conclude that the sample is not contaminated above the regulatory threshold. For example, if the lab reports < 5.0 mg/L for lead, a D008 waste code would not apply to that sample.

Even though the laboratory uses best available technology (BAT), it is sometimes impossible to achieve reporting limits that are equal to or below the regulatory threshold for a given parameter. In these cases, non-detects are reported as half the reporting limit and resulting values ranked accordingly. If the UCL falls on a non-detect result where the reporting limit is much higher than the regulatory limit, process/generator knowledge (40 CFR §262.11) is also taken into account when deciding to add a waste code. This is especially true for semi-volatile compounds. 40 CFR §262.11 allows for the use of generator knowledge to make a hazardous waste determination. For example, there is no reason to suspect 2,4-dinitrotoluene, a highly specific-use constituent (dyes, explosives, organic synthesis, urethane polymers, etc.), to be present in an aqueous vehicle brake cleaning solution.

AR Sample Testing Protocol is located in Exhibit C-7. A key to the terms used by the lab in the table is found in Exhibit C-15.

All AR Samples are analyzed by a single lab, such as TestAmerica (Pittsburgh, PA), an independent NELAP accredited environmental laboratory:

TestAmerica-Pittsburgh 301  
Alpha Drive  
Pittsburgh, PA 15238

## **Waste Determination for Subpart BB and CC Compliance**

For purposes of waste determination, this facility utilizes knowledge of the wastes described in this section. The used solvent managed in the tank system is presumed to contain hazardous waste with an organic concentration of at least 10-percent by weight, so Subpart BB regulations apply. For those hazardous wastes that are managed on a transfer basis, outside of the permitted units, the subpart CC regulation does not apply. However, the owner/operator may use knowledge of the waste based on information included in manifests, shipping papers or waste certification notices to confirm waste determination for the generator or the ultimate receiving facility.

Based upon this knowledge, it has been determined that most waste solvents managed in tanks and containers at this facility may display an average volatile organic concentration of greater than 500 ppm at the point of waste origination. Documentation of this knowledge is provided in Section D (waste characterization analytical results), as required in 40 CFR 264.1063(d) and 264.1083. Therefore, no exemption allowed in 40 CFR 264.13b(8) from Subpart CC regulations is requested and hazardous wastes managed in tanks and containers at this facility shall be managed in accordance with applicable subpart CC standards.

### **C-2a 270.14(b)(3); 264.13(b)(1) Parameters and Rationale**

Safety-Kleen's permitted waste streams which are all received in containers are broken into six types:

- Used Parts Washer Solvent
- Immersion Cleaner
- Paint Waste
- Dry Cleaner-Perchloroethylene
- Dry Cleaner-Naphtha
- Silver Waste for Reclaim

The product provided, or in the case of Dry Cleaner solvents and silver materials typically purchased by the generator, makes up the majority of the waste (see SDSs in Exhibit G-3). As such the analytical testing includes the regulated constituents in these products and the regulated metals and volatile solvents that may come in contact with the products. This, combined with a known process that the waste streams are being derived from, form the basis for testing.

The purpose of the Recharacterization is to determine the waste codes applicable to core waste streams managed and generated by Safety-Kleen facilities. As such, a waste stream may be excluded from Recharacterization once it has consistently been designated as non-hazardous. A stream may also be excluded from Recharacterization when it has been determined that the codes assigned to the stream are stable and marginal changes in trace constituents will not affect the management of the stream. Lastly, a set of analytes may be omitted if they are not expected or are demonstrated to not be present in a waste stream. Pesticides and herbicides have never been included in the Recharacterization process as these constituents are not allowed in wastes picked up by Safety-Kleen. Analysis for semi-volatiles is in the process of being phased out as codes for semi-volatiles have never been assigned.

The specific tests run on samples for AR are found in Exhibit C-7.

**C-2b 270.14(b)(3); 264.13(b)(2) Test Methods**

Exhibit C-7 details the AR sample testing protocol.

SW846 test methods and associated QA/QC requirements are used to analyze the AR samples

TCLP Extraction method SW846 1311 is used. SW846 1311 preservation and holding time requirements are followed. Specifically, samples are shipped to arrive cold and analyzed w/ in prescribed holding times outlined below:

- Volatiles – 14 days
- Semi-Volatiles – 14 days
- Metals – 28 days
- Mercury – 180 days

**C-2c 270.14(b)(3); 264.13(b)(3) Sampling Methods**

AR Sampling Method Requirements are found in Exhibit C-8.

A new disposable COLIWASA or plastic scoop is used to pull each sample. All samples, except dry cleaner perc bottoms, use sample kit 68740 (see 68740.pdf incorporated in Exhibit C-10). Dry cleaner perc bottoms shipped in sample kit 66491 (see 66491.pdf incorporated in Exhibit C-11).

Trip blanks, field blanks, and field duplicates are not used. These types of Quality Control (QC) samples are typically used to trace sources of artificially introduced contaminants when sampling water matrices and analyzing for trace concentrations of regulated contaminants (e.g., ppb, ppt). The majority of samples are primarily single phase liquids taken using a single use disposable COLIWASA. Using a COLIWASA ensures samples are representative across facilities and individuals pulling the samples. The fact that each waste stream is sampled 35+ times every year by multiple facilities across the US, and the resulting data set is very consistent from year to year, is in itself a demonstration of the precision of the sampling process. However, every sample that is run has its own QC run against it to verify that the results are accurate.

A Chain of Custody form is completed and signed by the branch and accompanies the sample to the lab. Upon receipt, the lab signs the chain of custody form, documents receipt temperature, etc. See Exhibit C-12 for an example AR Chain of Custody Form. In addition, attached Chandler specific TestAmerica analytical reports include images of an executed chain of custody form.

The Customer Name(s) and Customer Number(s) associated with the container(s) being sampled must be documented on the Chain of Custody (COC). In the event the analytical report shows atypical waste codes, Safety-Kleen is able to track the sample back to the generator to discuss their specific process and possible source for contamination. Decision will need to be made regarding whether or not the generator's waste should remain as CORE, or is better handled through CWS.

A unique identification number must be assigned to each sample using the format AR2014\_Plant #\_sample type (e.g., AR2014\_7113\_DC Perc Bottoms, AR2014\_7113\_Premium Solvent, etc.). The same number must be written on the associated sample jar custody label so that the lab can match paperwork with samples upon receipt. Complete all fields in the Collection Information

Section of the COC. The sample collector must sign the *RELINQUISHED BY* column and enter the date and time of shipment.

Shipments are sent either UPS or via FedEx as hazardous air shipments. The transporter (courier) does not sign the COC, only the laboratory when they take receipt of the shipment. The COC record while the sample is in the courier's possession is the air bill document until the courier releases the sample to the laboratory.

**C-2d 270.14(b)(3); 264.13(b)(4) Frequency of Analysis**

As described previously, a Qualitative/Visual analysis of all wastes managed at the Service Center is conducted for each waste pickup. Safety-Kleen's Waste Recharacterization is conducted annually.

**C-2e 270.14(b)(3); 264.13(b)(5,(c); 264.73(b) Additional Requirements for Wastes Generated Off-Site**

Generators can be provided with the results of the AR each year. No action is required by the generator if the generator agrees to the codes. However, if a generator chooses to use its own knowledge of its process to identify which waste codes are attached to the waste, approval by the Safety-Kleen Central Profiling Group is required. In most cases, laboratory analytical data will be required to remove codes determined by the AR process.

For used parts washer solvents, if a generator demonstrates sufficient knowledge of their process and of the chemicals that are used on their site they may complete a Solvent Generator Notification & Certification form (see Exhibit C-6) to document the appropriateness of dropping waste codes.

**C-2f 270.14(b)(3); 264.13(b)(6) 264.17 Additional Requirements for Ignitable, Reactive, or Incompatible Wastes**

Waste received at the facility is analyzed according to the procedures described in the Waste Analysis Plan. All ignitable wastes terminated at the facility are compatible with each other and the containers in which they are stored. Therefore, additional analyses to evaluate compatibility are not necessary.

The permitted storage rooms where ignitable waste is stored are designed for this material. CSA and the Return and Fill are enclosed rooms with fire doors with fusible links that close in the case of a fire. The Wet Dumpsters in the Return and Fill have a fusible link that will close the clam shell lid in case of fire. Hot work permits are required for any work that may involve excess heat, sparks or open flames in these storage areas and are conducted only when ignitable materials are not present. No Smoking signs are posted in all areas where ignitable waste is stored and smoking is not allowed within the office, near entrances, warehouse or fenced areas of the facility.

The only permitted hazardous waste opened at the facility is the used parts washer solvent waste, which is consolidated in the aboveground waste storage tank. No other waste streams are added to the tank.

**C-2g 270.22; 266.102(e)(6)(ii) Additional Requirements Pertaining to BIF Facilities  
(C),(e)(6)(iii)**

This does not apply as the Safety-Kleen Chandler facility does not have any BIF Facilities on the site.

**C-3 270.14(b)(3); 264.13; Waste Analysis Requirements Pertaining to Land Disposal  
264.73; Part 268 Restrictions**

All of the permitted waste streams received and stored at the Service Center are treated or recycled at an approved Safety-Kleen Recycle Center, contract reclaimed, or other properly permitted facility. The drum washer sediment generated at the facility is containerized and shipped offsite for reclamation and or disposal. The Service Center does not dispose of any hazardous wastes onsite and does not send any permitted hazardous wastes to land disposal facilities. Therefore, the Chandler Service Center is not required to certify that hazardous wastes that are restricted from land disposal are below treatment standards. The following sections discuss how Safety-Kleen determines appropriate Land Disposal Restriction (LDR) classification and treatment standards and how LDR notification requirements are met.

**C-3a 270.14(a); 264.13(a)(1); Waste Analysis  
268.1; 268.7; 268.9; 268.32  
- 268.37; 268.41 - 268.43**

Due to the nature of its business, Safety-Kleen receives wastes that are untreated and that are assumed to exceed the LDR treatment standards. For the Safety-Kleen parts washer solvent, immersion cleaner, dry cleaner wastes and paint wastes, the hazardous constituents are known. The rationale for the selection of LDR treatment standards are provided below.

**C-3a(1) 270.14(a); Spent Solvent and Dioxin Containing Waste  
264.13(a)(1); 268.2(f)(1);  
268.7; 268.30; 268.31**

Safety-Kleen will manage F-solvent wastes. The spent dry cleaning perchloroethylene is F-Solvent non-wastewater waste with the following treatment standard: tetrachloroethylene (0.05 mg/L).

None of the permitted wastes which Safety-Kleen handles contain dioxins.

**C-3a(2) 270.14(a); California List Waste  
264.13(a)(1); 268.7;  
268.32; 268.42(a); RCRA  
Section 3004(d)**

California list wastes are a distinct category of RCRA hazardous wastes that are restricted under the land disposal restrictions (LDRs). These restrictions only apply to liquid wastes, with the exception of Halogenated Organic Compounds (HOCs), which may be liquid or non-liquid. In Safety-Kleen's case all of our permitted waste streams are liquid, with the possible exception of the DC Filters, which can be dry although they may have low levels of free liquids at times. In either case the California List Waste rules apply as the Perc Filters contain HOCs. The

Safety-Kleen permitted waste streams do not contain PCBs over 50 ppm, free cyanides >1000 mg/l, nor do they have a pH of <2, so these categories do not apply.

Safety-Kleen permitted wastes are either recycled, fuel blended or incinerated. If any of the residues are landfilled the prohibition levels for the California listed metals and HOC's will apply. Should liquid residues be landfilled they will have less than the metal prohibition limits prior to land disposal, and liquids and non-liquids will have less 1000 mg/kg of HOCs.

**C-3a(3) 270.14(a); 264.13(a)(1); 268.7;  
268.33 - 268.36; 268.41 -  
268.43** *Listed Wastes*

Safety-Kleen does not handle non-solvent F listed, K listed, U listed or P listed waste as a permitted material. Any transfer waste having these codes will have the appropriate LDR accompany the manifest so the designated facility can treat the material appropriately.

**C-3a(4) 270.14(a); 264.13(a)(1); 268.7,  
268.9; 268.37; Part 268  
Appendix I, IX** *Characteristic Wastes*

Wastes with treatment Standards – Safety-Kleen may generate or store D001 wastes, including parts washer solvent and Dry Cleaner Naphtha wastes. Since these wastes contain high levels of organics, Safety-Kleen assumes that all D001 wastes will contain  $\geq 10$  percent total organic carbon (TOC). The technology-based standards for these non-wastewaters are “RORGS” (recovery of organics) or CMBST (high temperature organic destruction).

Safety-Kleen may also generate or store wastes that may be classified as D006, D007 (example: immersion cleaner, dry cleaner waste). The treatment standards for these wastes are 1.0 mg/L, and 5.0 mg/L respectively.

To ensure Bulk Used Oil that Safety-Kleen collects in its oil tankers do not contain unacceptable levels of halogenated hydrocarbons Safety-Kleen tests a sample from the tank of each Small and Large Quantity Generator for total organic halogens using a Chlor-D-Tect test kit. Any oil that exceeds 1000 ppm of total organic halogens is rejected from being collected as Used Oil until and unless the client can rebut the results with a third party certified laboratory's analytical test.

**C-3a(5) 270.14(a); 264.13(a); 268.7; 268.35(c),(d);  
268.36(d); 268.42(d)** *Radioactive Mixed Waste*

Safety-Kleen Chandler does not accept radioactive wastes. Therefore, this section does not apply.

**C-3a(6) 270.14(a); 264.13(a); 268.35(a)** *Leachate*

Safety-Kleen Chandler does not create or accept leachate in their permitted areas. Therefore, this section does not apply.

**C-3a(7)**    **270.14(a); 264.13(a);**            **Lab Packs**  
**268.7(a)(7),(8); 268.42(c);**  
**Part 268 Appendix IV**

Safety-Kleen Chandler does not handle lab packs as a permitted waste. Therefore, this section does not apply.

**C-3a(8)**    **270.13(n); 268.2(g);**            **Contaminated Debris**  
**268.7; 268.9; 268.36;**  
**268.45**

Safety-Kleen Chandler does not handle contaminated debris as a permitted waste. Therefore, this section does not apply.

**C-3a(9)**    **270.13(n); 268.2(g);**            **Waste Mixtures and Waste with Overlapping Requirements**  
**268.7; 268.9; 268.36;**  
**268.45**

Waste that carries more than one characteristic or listed waste code will be treated to the most stringent treatment requirement for each hazardous waste constituent of concern.

**C-3a(10)**    **270.14(a); 268.3**            **Dilution and Aggregation of Wastes**

Safety-Kleen's parts washer solvents are the only permitted hazardous wastes consolidated at the site. All solvent is either recycled or destroyed via combustion so this section does not apply.

**C-3b**        **270.14(a); 264.13;**            **Notification, Certification, and Record Keeping Requirement**  
**264.73; 268.7; 268.9(d)**

For all waste streams terminated at this facility, in accordance with the regulations listed above Safety-Kleen will provide to the Recycle Centers or authorized treatment or disposal facility, and require from its' regulated customers, notification/certification which provided the treatment standards for the wastes banned from landfills. These will be updated any time the waste should change or the waste is delivered to a new final permitted site. A copy of this notification/certification shall be available at the Chandler facility.

**C-3b(1)**    **270.14(a); 264.13;**            **Retention of Generator Notices and Certifications**  
**268.7(a)**

The notice is required paperwork for all Safety-Kleen permitted waste types. The notices and certifications provided by regulated customers must be reviewed for correctness and be kept on file at the Service Center for at least three years as part of the operating record.

**C-3b(2)**    **270.14(a); 264.13;**            **Notification and Certification Requirements for Treatment**  
**268.7(b)**                            **Facilities**

This facility is not a treatment facility. Therefore, this section does not apply.

**C-3b(3)**      **270.14(a); 264.13;  
268.7(b)**      **Notification and Certification Requirements for Land  
Disposal Facilities**

This facility is not a land disposal facility. Therefore, this section does not apply.

**C-3b(4)**      **270.14(a); 264.13;  
268.7(a),(b)(6))**      **Wastes Shipped to Subtitle C Facilities**

All of SKC's permitted wastes are shipped to RCRA Subtitle C TSDFs for treatment, processing or incineration. Profiles, analytical data, SDSs, and/or LDRs are provided with sufficient information to allow the safe disposal or processing of these materials.

**C-3b(5)**      **270.14(a); 264.13;  
268.7(d); 268.9(d)**      **Wastes Shipped to Subtitle D Facilities**

None of Safety-Kleen Chandler's permitted waste is shipped to a Subtitle D facility. Therefore, this section does not apply.

**C-3b(6)**      **270.14(a); 264.13;  
268.7(b) (6)**      **Recyclable Materials**

Safety-Kleen Chandler's permitted wastes are not shipped as recyclable materials used in a manner constituting disposal subject to the provisions of 40 CFR 266.20(b). Therefore, this section does not apply.

**C-3b(7)**      **270.14(a); 264.13;  
264.73; 268.7(a)  
(5),(a)(6),(a)(7), (d)**      **Recordkeeping**

Safety-Kleen Chandler does no recycling on site; therefore this section does not apply.

**C-3c**      **270.14(a); 264.73;  
268.50**      **Requirement Pertaining to the Storage of Restricted Wastes**

**C-3c(1)**      **270.14(a); 264.73;  
268.50(a)(2)(i)**      **Restricted Wastes Stored in Containers**

**C-3c(2)**      **270.14(a); 264.73;  
268.50(a)(2)(ii)**      **Restricted Wastes Stored in Tanks**

Safety-Kleen Chandler stores restricted wastes in tanks and containers solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and the facility complies with the requirements in 40 CFR 262.34 and parts 264 and 265 for no more than one year, typically much less. Containers are marked with their contents and the accumulation start date. Tanks are marked with their contents and the waste movements are maintained in the operating record.

**C-3c(3) 270.14(a); 264.73;  
268.50(f) Storage of Liquid PCB Wastes**

Safety-Kleen Chandler does not store Liquid PCB Waste on site; therefore this section does not apply.

**C-3d(1) 270.14(b)(21); 268.5 Case-by-Case Extensions to an Effective Date**

Safety-Kleen Chandler has never requested an extension to an effective date, nor does it expect to; if such a situation comes up in the future we would comply with the requirements in 268.5.

**C-3d(2) 270.14(b)(21); 268.6 Exemption from Prohibition**

Safety-Kleen Chandler does not seek an exemption to this prohibition. Therefore, this section does not apply.

**C-3d(3) 270.14(a); 264.73;  
268.7; 268.44 Variance from a Treatment Standard**

Safety-Kleen Chandler does not seek an exemption to a treatment standard. Therefore, this section does not apply.

**C-3d(4) 270.14(a);  
264.13(b)(7); 268.4;  
268.14 Requirements for Surface Impoundments Exempted from Land Disposal Restrictions**

**C-3d(4)(a) 270.14(a); 264.13;  
268.14 Exemption for Newly Identified or Listed Wastes**

**C-3d(4)(b) 270.14(a); 264.13;  
268.4(a)(1),(b) Treatment of Wastes**

**C-3d(4)(c) 270.14(a);  
264.13(b)(6);  
268.4(a)(2)(i),(iv) Sampling and Testing**

**C-3d(4)(d) 270.14(a);  
264.13(b)(7)(iii);  
268.4(a)(2)(ii) Annual Removal of Residues**

**C-3d(4)(e) 270.14(a); 264.13;  
268. 270.14(a);  
264.13;  
268.4(a)(3),(4)(b) Design Requirements**

Safety-Kleen Chandler does not have a surface impoundment. Therefore, these sections do not apply.

SAFETY-KLEEN CHANDLER  
EPA ID NO. AZD981969504  
ATTACHMENT D  
DRAFT PERMIT

**ATTACHMENT D**  
**PROCESS INFORMATION**

## ATTACHMENT D

### PROCESS INFORMATION

#### CONTAINERS

Safety-Kleen receives hazardous and non-hazardous wastes at the facility. The drums of used parts washer solvent (mineral spirits) are unloaded at the Return and Fill dock, the outbound dock or in the yard east of the warehouse. These drums are emptied into the used solvent tank via the wet dumpster/ drum washer. All other waste drums are stored in the container storage area or if non-hazardous in the lot south of the warehouse. Drums may be temporarily stored for less than 10-days on a trailer at the west dock as loads are prepped to be shipped out. The drums are not opened or transferred into other containers while onsite unless a container is breached and the transfer is the best option for re-containerizing the waste.

**D-1a**      **40 CFR 270.15;**                      **Containers with Free Liquids**  
                 **264.175(a),(b)**

The floor, curbing and collection trench for the warehouse container storage area (CSA) and the Return and Fill are made of steel reinforced concrete and the concrete has been poured so that no cracks or gaps exist between them. The concrete contains spills, leaks, or accumulated precipitation until the material can be detected and removed.

The permitted use of the CSA in the Service Center warehouse is for the storage of (1) parts washer solvents not dumped within 24 working hours of receipt (2) sediment from cleaning the drum washer/dumpsters in the return and fill station; (3) used immersion cleaner; (4) dry cleaning wastes; (5) Silver bearing waste and (6) paint wastes. Other non-hazardous materials or non-regulated wastes, transfer waste, Safety-Kleen generated wastes and Safety-Kleen products may also be stored in this area provided the materials are compatible or properly segregated. No more than 17,160 gallons of hazardous and non-hazardous waste/liquid product will be stored in the CSA at any time. This volume is based on 10-times total available containment, minus twenty percent for container and other equipment displacement.

**D-1a(1)**      **40 CFR 270.14(b)(1);**                      **Description of Containers**  
                 **264.171, 172**

Containers stored the CSA range up to 95 gallon capacity; totes up to 457 gallons in size may also be stored in the area. Containers stored are typically provided to the waste generators by Safety-Kleen. A table detailing the waste containers provided is included as Exhibit D1-3. While the type of container listed on this table associates to the line-of-business, the containers are DOT approved and may be used for other waste streams as needed. Safety-Kleen customers may package wastes in containers not provided by Safety-Kleen. These containers will be inspected prior to pickup to ensure proper DOT rating if hazardous. Contents of each waste container are verified by the waste marker (label) that is affixed to each container.

Safety-Kleen Systems has a Special Permit issued by the U.S. Department of Transportation-

Pipeline and Hazardous Materials Safety Administration that allows re-use of specification drums for transportation without being subjected to the leak proofness testing of 49 CFR 173.28(b)(2). Each drum is inspected for leakage before filling/refilling and shipment. This Special Permit applies to the following drums listed on the table in Exhibit D1-3: Safety-Kleen part numbers 13348,3348,13349, 3349, 3395, and 3399. These drums are reused at facility for the mineral spirits parts washer services.

**D-1a(2) 40 CFR 270.14(a); Container Management  
264.173**

With the exception of used parts washer solvent drums, waste drums managed at the facility are not opened, unless it is necessary to obtain a sample of the contents. Containers are handled to prevent rupture or leaking. Proper handling of hazardous waste is ensured through proper training. Employees are trained on hazardous waste procedures during their initial training and then annually thereafter, or as needed. When feasible, containers are moved using mechanical means such as drum carts, dollies, or fork trucks. Safety-Kleen employees inspect each waste drum prior to transporting from the customers' location. In the event a container is found to be damaged, leaking, or not in good condition while in storage at the facility, it will be placed into an appropriate salvage container or the waste will be transferred to a DOT approved container. The salvage container will be properly labeled and the entire packaging will be transported offsite as per normal waste management protocols. When containers are being prepared for shipment, they will be moved with material handling equipment and/or palletized to maneuver and stack containers. Plastic wrap, banding or other means may be used to secure containers to pallets when loading onto the outbound vehicle.

Adequate aisle space (typically 2 feet) will be maintained in the CSA and Return and Fill. Containers will be stored on pallets if on the floor. Storage on pallets will keep containers from contact with any standing liquids. If containers 15 gallons or larger are stacked, a pallet will separate the layers. The maximum number of containers stored per pallet layer is: 24-5 gallon containers; 9-15 gallon containers, 5-30 gallon containers, and 4-55 gallon containers. Containers of hazardous waste will be stacked no more than two pallets high to ensure stability and safe material handling. The storage height of a double-stacked configuration is approximately 6'6". An example pallet layout is included as Exhibit B-5.

Containerized waste is segregated in the Container Storage Area based on chemical compatibility, DOT segregation requirements for 10-Day waste and NFPA requirements. NFPA requires a 2 foot aisle space and 20 feet for incompatible material. DOT segregation for materials in transportation requires Division 4.2 materials must be separated from the Class 8 liquids by a minimum horizontal distance of 1.2 m (4 feet) and Division 4.2 materials and the Class 8 liquids are loaded at least 100 mm (4 inches) off the floor.

SKC manages these segregations by storing our 10-Day waste in transportation on the west side of CSA and the Permitted Waste on the east side, as shown in Exhibit B-5. All permitted wastes are compatible along with branch generated wastes and nonhazardous waste. These will be stored in the areas shown as permitted, having an X in the pallet square on the drawing. These are not exact layouts and the number of rows will fluctuate depending on volumes of 10-

Day vs. permitted wastes. At no time will the total volume of 10-Day waste, permitted-branch generated-nonhaz waste and liquid products exceed the 17,160 gallon storage limit.

10-Day waste in transportation may have corrosive waste and oxidizers that are incompatible with flammable liquids or flammable solids. If present oxidizers will be placed in the first row to the west, liquid oxidizers will be placed on poly containment pans that would contain the oxidizer liquid should the container develop a leak. No Class 3 or 4 will be placed in the aisle next to the 5.1. Class 8, when present, will be placed in the next aisle over. No class 4 material will be placed in the aisle immediately east of the class 8; typically nonhaz materials or other compatible materials will be placed in that aisle. The remaining aisle will be used for all other 10-Day waste including class 3 and 4 materials. See Exhibit B-13 DOT Hazmat Load and Segregation Chart.

In the Return and Fill area only part washer solvent, aqueous part cleaner and product are stored so no incompatibility exists. Waste containers have a 2 foot aisle space.

The maximum total waste storage in the CSA is 17,160 gallons. This will be managed administratively by requiring a daily total count of waste in the area and verifying that it does not exceed the maximum allowed storage volume. The inspection form for CSA shall verify the actual storage volume is within the permitted allowable volume. See example CSA Inspection form in Exhibit F-1. Inspections may be recorded electronically. Whether in electronic or written form, required inspections will be maintained for at least three years.

Precautions when handling ignitable wastes are described in Section F-5a.

Drums arrive at the site via straight trucks or occasionally tractor trailers.

- Within 24 hours of arriving in the yard drums are offloaded and placed on pallets moved into storage in CSAI if permitted waste.
  - Unique drum numbers are placed on each drum within 24 operating hours of receipt and the drums entered into the Facility Operating Log once they are scanned in to the system.
- On occasion, trucks with 10-Day waste may be left loaded if the drums do not have a need to go into storage.
- Used part cleaner solvent and aqueous part cleaner drums are typically moved directly into the Return and Fill Area.
  - Hazardous part cleaner solvent drums will be dumped within 24-operating hours of receipt. If they are not dumped within 24-operating hours a drum tracking number will be added to them and the drums recorded in the Facility Operating Log.
  - Nonhazardous part cleaner drums may be stored in the Return and Fill area until sufficient quantities are stored up to make processing more efficient.
- Non EPA wastes may also be moved directly to the storage areas in the yard south of CSAI.

Permitted containers may remain in storage for up to a year from date of receipt, however typically they are shipped off well within a month if not the next week. Hazardous 10-Day waste is kept in storage for no more than 10 days. Nonhazardous waste may be kept on site indefinitely, however it is typically shipped off well within a month if not the next week.

**D-1a(3) 40 CFR 270.15(a)(1); Secondary Container System Design and Operation**  
**264.175(a),(d)**

The container storage area has secondary containment in the form of a sloped floor with a capacity of 1,726 gallons and an 11.66' × 1.72' × 3' (450 gallons) collection trench. No more than 17,160 gallons of waste and or product will be stored in the container storage area at any one time. In addition, no container larger than 450 gallons will be used for storage.

The secondary containment of Return and Fill is in the form of a collection trench with dimensions of approximately 21.6' L x 1.72' W x 3.125' with a capacity of 868 gallons.

The secondary containment systems are passive systems. The systems are designed so that any released liquids are accumulated and contained by the curbing or trenches in the CSA or Return and Fill area. There are no pumps in the trenches.

**D-1a(3)(a) 40 CFR 270.15; Requirement for the Base or Liner to Contain Liquids**  
**264.175(b)(1)**

The base of the warehouse is steel-reinforced concrete. The concrete is sealed with a solution that is compatible with all materials stored in this area. An example technical data sheet for this sealant is included as Exhibit D1-8. The sealant currently in use is ChemTec One. A repair plan is included in Exhibit D1-9, ChemTec One will no longer be used in the Tank farm but the repair plan is still applicable to the warehouse floors.

ChemTec One is a colorless non-Toxic reactive silicate that penetrates the concrete permeable zones producing an insoluble byproduct that fills the gel pours, shrinkage cracks and alligator cracks of the concrete. It can penetrate up to 3 inches into the concrete, making the concrete resistant to water and contaminant penetration.

The floor of CSA and Return and Fill are sloped to the containment trenches. None-the-less, the waste containers are typically stored on pallets in this area, although drums in the Return and Fill do not require a pallet if on the grate. This will prevent contact of the drums with any released material. The concrete or trench will contain accumulated spills or leaks until the material can be detected and removed.

The container storage area, Return and Fill area and containment systems are inspected each operating day. Any accumulated debris or liquids will be removed upon detection. The debris will be evaluated and properly disposed of. If deterioration or damage is noted to the containment systems in either storage area, this will be documented on the inspection record and repairs will be initiated.

**D-1a(3)(b) 40 CFR 270.15(a)(2); Containment System Drainage**  
**264.175(b)(2)**

See D-1a and D-1a(3)above for narrative description

**D-1a(3)(c) 40 CFR 270.15(a)(3); Containment System Capacity**  
**264.175(b)(3)**

The total secondary containment capacity of the CSA is 2176 gallons, composed of 1726 gallons from the slope of the floor and 450 gallons from the trench. The total secondary containment capacity of the Return and Fill trench is 868 gallons.

**D-1a(3)(d) 40 CFR 270.15(a)(4); Control of Run-on**  
**264.175(b)(4)**

Both the CSA and the Return and Fill are located in an enclosed warehouse, so run-on would not accumulate in this area. The exterior entrance door is elevated approximately 2 inches above grade, and these doors can be closed in case of blowing rain.

**D-1a(3)(e) 40 CFR 270.15(a)(5); Removal of Liquids from Containment System**  
**264.175(b)(5)**

The storage areas and containment systems are inspected each operating day. All accumulated liquids will be identified and removed within 24-hours of detection to prevent overflow. All containers are marked with a proper DOT shipping description, generator information, and manifest reference. If there has been a release that has accumulated, it will be easily identified by locating the leaking container. The leaking container would typically be placed in a DOT-approved salvage container. Due to the size of containers stored in the warehouse, absorbents such as socks or pads would be used to clean up the spill. Portable pumps or shop vacs may be used to capture liquids if beneficial. A rated ignitable waste pump will be used should the leaking material be ignitable. This waste would be placed into the salvage drum (along with the original shipping container) or other authorized container and shipped off-site for disposal.

**D-1b(1) 40 CFR 270.15(b)(1); Test for Free Liquids**

All waste containers stored in the warehouse are assumed to contain free liquids so will be stored on pallets. Therefore, this requirement does not apply.

**D-1b(2) 40 CFR 270.14(a); Description of Containers**  
**264.174; 264.172**

See D-1a(1) above.

**D-1b(3) 40 CFR 270.14(a) Container Management Practices**  
**264.173**

See D-1a(2) above.

**D-1b(4) 40 CFR 270.15(b)(2); Container Storage Area Drainage  
264.175(c)**

See D-1a(3) above.

The following Process Flow Exhibits are included as examples of containerized wastes managed or transferred through the facility:

Exhibit D1-4 Example Container Flow Diagram for SK's Customer Waste at Chandler Service Center (Note: there are waste streams managed at the facility as non-hazardous or transfer wastes. This is only to illustrate containers passing through the facility with no processing). This diagram contains a reference to an Accumulation Center. This is a Safety-Kleen transportation hub that facilitates delivery of product to a Service Center, such as Chandler, and picks up a load of waste drums that will be transported to a Recycle Center or other process facility, at times a shipment may go directly to the Recycle Center or other process facility.

Exhibit D1-5 Example Flow Diagram Gun Cleaner (Paint Waste) at RC or other permitted process facility or reclaimer

Exhibit D1-6 Example Immersion Cleaner Process Flow at a Safety-Kleen Recycle Center or other permitted process facility or reclaimer

Exhibit D1-7 Example Dry Cleaner Process Flow at a Safety-Kleen Recycle Center or other permitted process facility or reclaimer

**ATTACHMENT D**  
**PROCESS INFORMATION**  
**TANKS**

The Chandler Service Center has one bulk tank for the storage of hazardous waste. A description of the tank system follows.

<b>D-2a</b>	<b>40 CFR 270.14(b)(1)</b>	<b><i>Tank Systems Descriptions</i></b>
<b>D-2a(1)</b>	<b>270.16(b)</b>	<b><i>Dimensions and Capacity of Each Tank</i></b>

The used mineral spirits tank and antifreeze tank are 12,000 gallon non-pressurized aboveground storage tanks. It is constructed of 3/16" thick (1/2" 1/4" thick in the lower three-quarters of the tank) carbon steel with a fixed roof and is 10'6" diameter and 19' high. The tank is painted a light color to reflect sunlight. The tank is constructed in accordance with Underwriters Laboratories Standard 142, and is located more than 20 feet from the property line (reference Exhibit F-3.1) in accordance with National Fire Protection buffer zone requirements. A tank gauging chart is included as Exhibit D2-3. There are no stairs, walkways, or catwalks associated with this tank. There have been no field modifications to the tank.

<b>D-2a(2)</b>	<b>40 CFR 270.16(c); 264.194(194(b))</b>	<b><i>Description of feed systems, safety cutoff, bypass systems, and pressure controls</i></b>
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Used parts washer solvent is returned to the Service Center in containers that can range in size from 5 to 55 gallons. Once at the branch, the transport vehicle will offload in the yard on to pallets that are taken to the Return and Fill or back up to the unloading dock area that includes the elevated Return and Fill/drum washer area (R & F) and grating, underlain by secondary containment. The containment consists of a concrete trench with a nominal capacity of 868 gallons. The parts cleaner solvent managed in this area is compatible with the carbon steel grates and concrete. In fact, the parts cleaner solvent is often used as a light hydrocarbon coating to prevent rusting of metal parts.

Containers are lifted onto the R & F for emptying. Emptying a container requires the operator to open the lid of the drum washer unit and individually pour each drum of used parts washer solvent into it. The drum washer consists of a vat with a capacity of approximately 162 gallons. Each unit contains a drum washer used to remove any solids that may have accumulated on the interior of the container. The drum washer uses solvent previously removed from the container by recirculating the solvent through a low-pressure spray to clean the interior of the drum. Revolving brushes clean the exterior of the drum. A photograph of the unit is located in Section A (Part A) photo 12.19.2, During container processing, the solvent level in the drum washer is closely monitored and once solvent accumulates to a certain level, it is pumped automatically via float switch activation to the used solvent tank. The pump can also be manually operated.

Since there are two drum washer units, one is dedicated to solvent parts washer dumping and drum washing, while the second unit is typically dedicated to cleaning aqueous drums. When used for aqueous drum cleaning the drum washer has the discharge valve closed so no cleaning solution is discharged to the tank farm. Should the aqueous drum washer be used for solvent, it will be completely emptied and wiped clean before being used for aqueous drum cleaning again. After a container has been emptied and washed, it is allowed to drain on a rack inside the drum washer. After draining, it is staged in the vicinity to be refilled with clean parts washer solvent, or will be placed into storage for future use.

Should the aqueous drum washer be placed back into solvent service, prior to being used for dumping of nonhaz aqueous drums again the following decontamination and testing procedures will be used. Testing results will be placed in the site tank system operating records.

- a) The sediment in the drum washers, if any, will be removed and containerized, labeled, and manifested as a hazardous waste and transported to a permitted hazardous waste TSDF.
- b) The drum washer will be washed with a detergent solution and scrubbed using brushes, and/or sponge, along with a pressure washer if needed. Degreaser will be sprayed on any stained areas and scrubbed again. The interior may also be scraped and/or squeegeed, as needed, to remove residual waste material. Once visually clean of all residues, we will then triple rinse the unit. The quantity of wash water will be kept to a minimum to reduce the amount required for treatment/disposal.
- c) Following decontamination, a sample will be collected of the final rinsate from the drum washer to verify effectiveness of the decontamination. The rinsate sample(s) will be analyzed for VOCs, SVOCs, and metals (no pesticides or herbicides as our clients certify they do not contaminate our solvent with these) and compared to RCRA standards.. The decontamination wash/rinsate water may be discharged through the appurtenant piping system into the storage tank for processing with the rest of the used solvent. The wash/rinse water will be managed as a hazardous waste and treated or disposed of at a permitted TSDF or characterized as non-hazardous waste and treated or disposed in accordance with applicable regulations.

Following the emptying of all containers of used parts washer solvent in a shipment, the operator will pump any solvent remaining in the drum washer unit to the lowest possible level (about 2-inches) and close the lid until the next shipment arrives. This practice is repeated until all daily shipments are received. At the end of the operating day, the drum washer is pumped to the lowest possible level to be ready for the next day's use. All solids collected from the reservoir of the drum washer are containerized and managed as site-generated hazardous waste. Used parts washer solvent stored in the RCRA permitted tank is regularly transported to a Safety-Kleen Recycle Center or other reclamation site where it is recycled into clean product for redistribution.

All drums of solvent are manually emptied into the drum washer; this is pumped through hard-pipes from the drum washer receptacle located in the R & F dock to the storage tank. Movement of used solvent into the tank can be halted simply by discontinuing the drum emptying process. The tank system is equipped with a high level alarm which indicates when the tank is 95% full. If the level in the tank is 95% of capacity, the float activates a switch that activates both a visual strobe light located at the tank, and audible (siren) alarm. The Return and Fill dock is located

across from the tank and alarms so the employee emptying drums would be alerted to the detected 95% capacity. Simultaneously, the transfer pump is disabled so the tank will not overflow. The pump cannot be restarted until the level of solvent in the tank is below 95% capacity. The high level alarm is inspected daily for proper functioning of electrical and mechanical components.

Product solvent is pumped from the storage tank by a pump located in the tank farm containment. Example pump information is included as Exhibit D2-17. The product solvent is dispensed through a hose/nozzle configuration typical of what is utilized at fuel/gas stations. The nozzles are calibrated to click off when the solvent reaches a predetermined level in the drums. This is a manned operation, so there is little risk of overfilling of the product drum if the nozzle fails to click off automatically.

Product solvent is delivered by bulk tanker with a typically a 6,000 gallon capacity. The same vehicle typically transports a load of used solvent away from reclaim. The driver of the transport vehicle conducts product and waste transfer. The vehicle parks with the tanker over a concrete loading pad adjacent to the tank farm.

Prior to transferring product into the tank, the driver verifies there is adequate tank capacity for the entire load scheduled for delivery. The driver places a bucket to capture any drips that may occur when connecting and disconnecting the delivery hoses on the tanker. Any drips that may occur when connecting and disconnecting the delivery hoses to the tank piping are captured in a containment box surrounding the inlets and outlets (Exhibit D2-16).

After the driver delivers the load of clean product, he/she determines available capacity in the tanker. The transfer hose is connected to the exit line on the used solvent pipe and the used solvent is transferred into the tanker. The transfer operations are monitored at all times by the driver. To eliminate the risk of a static charge during transfer operations, the tanker is grounded and bonded

There are no bypass systems.

The tank is equipped with a pressure/vacuum vent that operates at two ounces of pressure and one ounce of vacuum. The specific gravity of the hydrocarbon-based parts washer solvent is approximately 0.8 and the vapor pressure is less than 2mm at 68°F.

<i>Product Name</i>	<b>Vapor Pressure at 68° F (20°C)</b>				<b>Vapor Pressure at 100° F (38°C)</b>			
	<i>mm-Hg</i>	<i>psia</i>	<i>kPa</i>	<i>atm</i>	<i>mm-Hg</i>	<i>psia</i>	<i>kPa</i>	<i>atm</i>
Premium Gold/150	0.2	0.004	0.027	0.0003	0.6	0.012	0.08	0.001

Antifreeze is loaded and off loaded from the tank through dedicated color coded piping system to the transport tanker.

**D-2a(3) 40 CFR 270.16(d) Diagram of Piping, Instrumentation, and Process Flow**

Tank system diagrams are included as:

Exhibit D2-3	Vertical Tank Gauging Chart
Exhibit D2-4	Solvent Pump Piping Installation details
Exhibit D2-4.1	Tank Farm-Return & Fill Used Solvent Piping Schematic
Exhibit D2-5	Tank Farm Shelter Plan with Containment Calculations
Exhibit D2-7	Concrete Tank Farm Plan
Exhibit D2-8	High Level Alarm System Diagram
Exhibit D2-9	Handling Process for Used Solvent at Branch
Exhibit D2-10	Process Flow Used Solvent at SK Recycle Center
Exhibit D2-16	Access Container Fabrication Details (Tanker)
Exhibit D2-21	HLA XPS-15 Transducer Diagram
Exhibit F-15	Vertical Tank Grounding Plan and Details

Return and Fill – ancillary equipment diagrams:

Exhibit D2-10	Process Flow Used Solvent at SK Recycle Center
Exhibit D2-13	Drum Washer Isometric
Exhibit D2-17	Marlow Pump Spec Sheets
Exhibit D2-22	Control Panel 5213 (Yellow)
Exhibit D2-23	Control Panel #5213 Wiring Diagram (R&F)
Exhibit D2-24	Drum Washer Control Panel Diagram (Tan)

**D-2a(4) 40 CFR 270.16(j); 264.17(b); 264.198, 199 Ignitable, Reactive, and Incompatible Wastes**

The facility does not receive nor treat any reactive or incompatible waste in the tank system. Ignitable waste is simply transferred into the tank system without changing the properties of the mixture.

The tanks (antifreeze and used solvent) are equipped with a pressure/vacuum vent which operates at two ounces of pressure and one ounce of vacuum. The tanks are further equipped with a dedicated, secondary containment system. The specific gravity of the hydrocarbon-based parts washer solvents is approximately 0.8 and the vapor pressure is less than 2mm at 68 degrees F.

The ignitable waste is stored in such a way that it is protected from any material or conditions that may cause the waste to ignite. No hot work (i.e. welding) is done in the vicinity of the tank. The tank is also painted white to reflect sunlight. Both the tanks and the piping are grounded and bonded to eliminate the buildup of any static electricity.

The freeze point of mineral spirits is around -76°F so it is unlikely the solvent will freeze in the Phoenix Metropolitan area.

**D-2b(1)**      **40 CFR 270.16(a);**      **Assessment of Existing Tank System's Integrity**  
**264.191**

A written construction assessment that is reviewed and certified by a Professional Engineer is located in Exhibit D2-19. This report verifies the structural integrity and suitability for handling the hazardous waste of the tank system.

**D-2c(1)(2)**      **40 CFR 270.16(a),(e);**      **New Tank System**  
**264.192(a)(b)-(e)**

The tank farm was constructed in the fall of 1993, therefore subject to the Design and Installation of New Tank Systems.

**D-2d**      **40 CFR 270.16(g);**      **Containment and Detection of Releases**  
**264.193**

Secondary containment is inspected each operating day so any accumulated liquids would be detected within 24 hours. Any precipitation in the secondary containment system will be removed within 24 hours of the end of the rainfall/snow event or by the end of the next operating day, whichever comes later. Precipitation may be pumped over the wall and allowed to run into the rain collection pond if no signs of sheen exist and no spills have occurred that have not been cleaned up. Any rain water with sheen will either be pumped into the waste tank or containerized for shipment offsite, once tested.

If waste has accumulated in the tank farm containment, it will be removed by absorbents, intrinsically rated electric pump, or by a vacuum-type truck; dependent upon volume. All waste removed will be evaluated (hazardous waste determination) and managed appropriately.

Precipitation or waste found in the truck loading station sump shall be handled in the same manner as the tank containment area shown above.

The Return and Fill inspected for leaks during each operating day and is documented in Exhibit F-1 example Return and Fill Area inspection form. Inspections may be recorded electronically and will be held for at least three years. Precipitation is virtually eliminated by enclosure in the warehouse. Any precipitation that makes its way in will evaporate or be removed within 24-hours.

**D-2d(1)**      **40 CFR 270.16(g);**      **Description of the Design, Construction, and Operation of the**  
**264.193(b)-(f)**      **Secondary Containment System**

**D-2d(1)(a)**      **40 CFR 270.16(g);**      **Tank Age Determination**  
**264.193(a)**

Based on the assessment in Exhibit D2-19 the tank age is November, 1993. In compliance with 264.193, the tank system was constructed with an adequate secondary containment system.

**D-2d(1)(b) 40 CFR 270.16(g); Requirements for Secondary Containment and Leak Detection**  
**264.193(b)(c);**  
**264.1101(b)(3)(iii)**

The secondary containment (tank farm) consists of a monolithically poured slab, sump and dike wall.

The base, sump, and lower dike wall are poured monolithically, and a key is installed to connect the upper wall to the lower base wall. The slab is 6" and the wall is 8" thick steel-reinforced concrete, and is underlain by 6" compacted stone over compacted fill. The containment system is a passive system. Any accumulated materials remain until manually removed by facility personnel. Construction diagrams are included in Exhibit D2-7. The secondary containment area has sufficient containment capacity, and is capable of collecting releases and accumulated liquids until the collected material is removed. The tank dike containment calculations, allowing for the volume of the largest tank, the 25-year 24-hour storm volume, and tank displacement, appear in Exhibit D2-5 ("Tank Farm Shelter Plan with Containment Calculations"). The floor of the diked area is slightly sloped to drain to a collection sump.

The tank farm floor and inner walls have been sealed with an epoxy coating. A product such as the following AZ Polymer system (or similar) will be used.

Epoxy 300 Flex Paste Part A and B for Joints.

Epoxy 400 primer (this would be a clear primer coat over the prepared surface)

Epoxy 900 gray coating (this would be the gray final coat and may have sand added to improve wear and traction).

Other potential epoxy coating options include Stonhard MP7 or CT5.

A 12' x 12' stainless steel plate has been placed between the impermeable coating on the tank pedestal and the tank.

The drum washer unit can hold 162 gallons of drum washer sediment, but the amount in the drum washer unit will never reach that capacity, as sediment is removed manually from the drum washer units each day. Approximately 8 gallons of drum washer sediment is removed from the solvent unit per day.

The return and fill station has secondary containment in the form of a concrete floor sloped to a 21.6' x 1.72' x 3.125' stainless steel collection trench with a containment value of 868 gallons. The slab and trench were from one monolithic pour. A chemical resistant coating sealant is applied to the return and fill station floor and up to 6 inches on the walls. Chemically-resistant grout and sealant was used to fill in the joint between the wall and floor.

**D- 2d(1)(c) 40 CFR 270.16(g); Requirements for External Liner, Vault, Double-Walled or**  
**264.193(d)(e); Equivalent Device**

The secondary containment system is considered to be a concrete liner that is:

- Designed or operated to contain 100% of the capacity of the largest tank within its boundary.

- Designed to prevent run-on or infiltration of precipitation into the external liner system unless the collection system has sufficient excess capacity to contain run-on or infiltration from a 25 year, 24 hour rainfall event. The tank farm containment system has an excess capacity of 10,489 gallons. Reference Exhibit D2-5 for calculations.
- Maintained to be free of cracks and gaps. The containment system is inspected per schedule and repaired as needed, when indicated on the daily inspection form.
- Designed and installed to surround the tank completely and cover all surrounding earth likely to come into contact with the waste if a release from the tank (capable of preventing lateral and vertical migration of waste).

**D-2d(1)(d)**    **40 CFR 270.16(g);**            **Secondary Containment and Leak Detection Requirements for**  
                         **264.193(f)**                                    **Ancillary Equipment**

All piping is aboveground. Design drawings and diagrams are contained in Exhibit D2-4 (“Solvent Pump Piping Installation Details”), and Exhibit D2-4.1 Tank Farm & Return & Fill Used Solvent Piping Schematic. All piping, valves, flanges, and connections are visually inspected for leaks each operating day. Most of the piping and drum washers are over secondary contained areas. Any piping that does not have secondary containment has welded joints and connections. There is no piping that passes through secondary containment. Piping is painted to provide protection against weather deterioration. All ancillary equipment is inspected each operating day for leaks and any paint or piping deterioration will be noted and repairs initiated.

**D-2d(1)(e)**    **40 CFR 270.16(g);**            **Containment Buildings Used as Secondary Containment for Tank**  
                         **264.1101(b)(3)(iii)**                                    **Systems**

There is no containment building used as secondary containment for the tank system. Therefore, this section does not apply.

**D-2d(2)**            **40 CFR 270.16(h);**            **Requirements for Tank Systems until Secondary Containment is**  
                         **264.193(i)**                                    **Implemented**

The tank system has secondary containment. Therefore, this section does not apply.

**D-2d(3)(a)-(c)**    **40 CFR 270.16(h);**            **Variance from Secondary Containment Requirements**  
                         **264.193(g)**

The tank system has secondary containment. Therefore, this section does not apply.

**D-2e**                    **40 CFR 270.16(i);**            **Control and Practices to Prevent Spills and Overfills**  
                         **264.194(a),(b); 264.195**

- (a) The facility places only used parts washer solvent (mineral spirits) into the tank system. This will not cause the tank system to rupture, leak, corrode, or otherwise fail.
- (b) Appropriate controls and practices to prevent spills and overflows include:
  - 1. There is a 2" threaded check valve located between the tank and Return and Fill pump that will prevent solvent from back-flowing out of the tank to the Return and Fill drum washer/receptacle. There is also a 3" threaded check valve located near the camlock where a hose would be connected to the piping to remove solvent from the tank. This will prevent any solvent being pumped into the waste solvent tank except through the Return and Fill operations.
  - 2. The Return and Fill process is a manual operation. All drums of waste solvent are manually emptied into the drum washer. The waste mineral spirits solvent is pumped through hard pipes from the drum washer receptacle located in the Return and Fill dock to the storage tank. Movement of waste solvent into the tank can be halted simply by discontinuing the drum emptying process. The tank system is equipped with a high level alarm which indicates when the tank is 95% full. If the level in the tank is 95% of capacity, the float activates a switch which activates both visual and audible alarms. The transfer pump is also disabled so that the tank will not overflow. The pump cannot be restarted until the level of solvent in the tank is below 95% capacity. The high level alarm is inspected daily for proper functioning of electrical and mechanical components.
  - 3. This is a covered tank so it is not necessary to maintain sufficient freeboard for wave or wind action or by precipitation.

#### Response To Leaks Or Spills From Tanks (40 CFR 264.196(a-f))

- a) Stopping Waste Addition – Should a leak or spill occur from the tank, Safety-Kleen personnel will immediately stop the flow of hazardous waste into the system and inspect the system to determine the cause.
- b) Removing Waste
  - 1. If the release was from the tank system, Safety-Kleen will, within 24 hours after detection of the leak or, at the earliest practicable time, remove as much of the waste as is necessary to prevent further release of waste to the environment and to allow inspection and repair of the tank system. This can typically be accomplished by transferring material into containers or pumping into a tanker.
  - 2. If the material released was to a secondary containment system, all released materials will be removed within 24 hours or in as timely a manner as is

possible to prevent harm to human health and the environment.

- c) Containment of Visible Releases – Safety-Kleen will conduct a visual inspection of the release. Safety-Kleen will prevent further migration of the leak or spill to the environment. Any contamination will be removed and disposed of properly.

**IF YOU THINK YOU HAVE AN EMERGENCY, IMMEDIATELY CALL THE NATIONAL RESPONSE CENTER AT (800) 424-8802 AND ADEQ AT (800) 234-5677.**

- d) Notifications and Reports –
1. A release to the environment, that impacts a waterway, except as provided in paragraph (d)(2) of this section, will be reported to the Arizona Department of Environmental Quality Emergency Response Unit as quickly as possible, but within 24 hours of its detection, unless already reported pursuant to 40 CFR Part 302, or is a leak or spill of hazardous waste exempted from the requirements by meeting the criteria of < one (1) pound, and is immediately contained and cleaned up.
  2. Should a release to the environment exceed a hazardous substances RQ S-K will also notify the NATIONAL RESPONSE CENTER at (800) 424-8802.
  3. Within 30 days of detection of a release to the environment, that impacts a water way or exceeds the RQ, Safety-Kleen will file a report containing the following information to the Arizona Department of Environmental Quality:
    - i. Likely route of migration of the release;
    - ii. Characteristics of the surrounding soil (soil composition, geology, hydrogeology, climate);
    - iii. Results of any monitoring or sampling conducted in connection with the release (if available). If sampling or monitoring data relating to the release are not available within 30 days, these data must be submitted to the Arizona Department of Environmental Quality as soon as they become available.
    - iv. Proximity to down gradient drinking water, surface water, and populated areas; and
    - v. Description of response actions taken or planned.
- e) Provision of secondary containment, repair, or closure.
1. Safety-Kleen will satisfy the requirements of paragraphs 40 CFR 264.196 (e)(2) through (4) or the tank system will be closed

Certification of Major Repairs – If the repairs to the tank system are extensive (e.g., installation of an internal liner; repair of a ruptured primary containment or secondary containment vessel), Safety-Kleen will obtain a certification by a qualified Professional Engineer in accordance with 40 CFR 270.11(d) that the repaired system is capable of handling hazardous wastes without release for the intended life of the system. The certification will be placed in the operating record and maintained until closure of the facility.

SAFETY-KLEEN CHANDLER  
EPA ID NO. AZD981969504  
ATTACHMENT E  
DRAFT PERMIT

**ATTACHMENT E**

**[NOT USED]**

SAFETY-KLEEN CHANDLER  
EPA ID NO. AZD981969504  
ATTACHMENT F  
DRAFT PERMIT

**ATTACHMENT F**  
**PREPAREDNESS AND PREVENTION PLAN**

## ATTACHMENT F

### PREPAREDNESS AND PREVENTION PLAN

**F-1a 270.14(b)(4); 264.14 Security Procedures and Equipment**

The facility is secured with a barrier around the facility that includes a six-foot block wall topped with three strands of barbed wire around the back and sided of the facility. Along the front of the facility there is a six-foot block wall and two rolling steel gates topped with metal spikes instead of barbed wire. All access gates automatically lock when closed or during a power outage. The gates can be opened electrically by activating the motor drive with a 9-key security panel, available on both sides of the gate. From the inside of the fence, the gates can be opened with a simple electrical switch or by unlinking the motor drive and manually pushing the gate open. In addition, outdoor lighting is provided.

The office/warehouse building is secured with locks on all doors and warning signs are posted at entrances to work and waste storage areas. The waste management/storage units are accessible only to Safety-Kleen employees. The waste parts washer tank is inaccessible in that material cannot be added or removed from it without activating the pump, or unlocking the valve and valve containment box, respectively. The product and used antifreeze tanks are inaccessible in that material cannot be added to or removed from them without unlocking the valve containment box and valves, or activating the pump, respectively. The containment box with valves is located at the tank farm. The controls for the pumps are located inside the office area. The pumps are not activated unless parts washer solvent (product or waste) is being added to or removed from the tanks by Safety-Kleen personnel. The valves and containment box are kept locked when not in use.

The fence and gates are inspected at least weekly. Any needed repairs will be initiated immediately upon detection.

**F-1a(1) 270.14(b)(4); 264.14 24-Hour Surveillance System**

The facility does not have a 24-hour surveillance system. Security is achieved by the passive fence and gate system.

**F-1a(2)(a) 270.14(b)(4); 264.14 Barrier**

See F-1a above for the description of the artificial barrier.

**F-1a(2)(b) 270.14(b)(4); 264.14 Means to Control Entry**

See F-1a above for the description control of entry.

**F-1a(3) 270.14(b)(4); 264.14 Warning Signs**

Warning signs stating "Danger-Unauthorized Personnel Keep Out" (or similar language) in both English and Spanish, which are legible from twenty-five feet are posted at the entrances.

**F-1b; 270.14(b)(4); 264.14 Waiver; Injury to Intruder; Violation Caused by Intruder  
F-b(1)-(2)**

Safety-Kleen is not claiming a waiver. Therefore, this section does not apply.

**F-2 270.14(b)(5); 264.15 Inspection Schedule**

The facility safety equipment is inspected weekly. This includes inspection of:

- Fire Extinguishers
- First Aid Kit
- Personal Protection Equipment
- Gates and Locks
- Eyewash and Shower
- Spill Cleanup Equipment
- Communication Devices
- Fence

An example of the form utilized to record the inspection is included in Exhibit F-2. Inspections may be recorded electronically. Whether in electronic or written form, required inspections will be maintained for at least three years.

**F-2a 270.14(b)(5); 264.15(a), (b); 264.33 General Inspection Requirements**

Safety-Kleen conducts regular inspections of the facility for equipment malfunctions, structural deterioration, operator errors, and discharges that could cause or lead to the release of hazardous waste constituents and adversely affect the environment or threaten human health. The Branch (i.e., Service Center) Manager or his designee is responsible for carrying out and documenting the facility inspection. The inspector must note any repairs that are needed and assure that they are completed. If facility personnel cannot carry out the repairs, the Engineering Department must be notified for assistance. Completion of repairs must also be noted on the Facility Inspection Report. These inspections also serve as a source for preventative maintenance. Exhibit F-1 is an example inspection form. Inspections may be recorded electronically. Whether in electronic or written form, required inspections will be maintained for at least three years.

**F-2a(1) 270.14(b)(5); 264.15(b)(3) Types of Problems**

The entire tank system and ancillary equipment is aboveground and visible for inspection. The facility inspections include the following:

- a. Tank Inspections – 40 CFR 264.195(a) - At a minimum, the tanks holding product and used materials are each tank is inspected each operating day. The inspections include checks of the high level audible and visual alarms and of the volume held in the each tank. When the tank used to store used solvent is 75% full; a pickup is scheduled with Safety-Kleen's Corporate Dispatch Department. The material will not exceed 95% of the tank volume at any time.

40 CFR 264.195(b) – The facility conducts visual inspection of the tank system each operating day, looking for evidence of leaking equipment, signs of corrosion or deterioration that would threaten the integrity of the system. Sudden deviations in the solvent volumes will be investigated and their causes determined. If necessary, repairs must be initiated immediately. Leaking tanks will be removed from service until such time that repairs have been made and certified by a professional engineer. The tanks are not equipped with pressure or temperature gauges.

40 CFR 264.195(c)(1) – The tank system components (i.e. all piping including

ancillary piping located under the grating of the return and fill station, bolts around the base of the tanks and tank platforms, tank coatings, side man ways, insulation, etc.) are inspected each operating day to detect for corrosion or releases of waste. All the tanks and the ancillary equipment are located above ground and are accessible.

40 CFR 264.195(c)(2) – The construction materials of the secondary containment and the area immediately surrounding the tank systems are inspected each operating day to detect erosion (cracks or broken cement) or signs of releases of hazardous waste (wet spots). Any damage to tanks (such as rust or loose fixtures) or secondary containment must be noted and repairs initiated. The standard repair process is listed in Exhibit N-4.

40 CFR 264.170.14(b)(5) – Inspections are also conducted to comply with Subpart CC requirements. Included in this inspection is an annual inspection of the emergency pressure relief vent located on top of the used solvent tank.

A tank integrity assessment will be performed as required by 40 CFR 112 for tanks holding petroleum materials. Safety-Kleen will follow industry standards developed by the Steel Tank Institute (STI SP001) for shop-fabricated tanks. Formal inspections as indicated SP001 will be conducted by an STI certified inspector. In no case will this exceed 20 years as required by STI SP001.

Periodically, it is necessary to remove sediment and other heavy material from the bottom of the tank. This is done when the sediment impacts the ability to pump from the bottom outlet of the tank, normally every year or two. First a tanker removes all of the free solvent liquid available to draw level down as much as possible. The side manhole cover is then removed. Typically, a vacuum truck driver will use a non-sparking stinger whose length is greater than or equal to the width of the tank to remove all of the tank bottoms to transfer the material into a vacuum truck. If it is necessary for the tank to be entered, OSHA Confined Space Entry procedures will be followed. Only personnel trained in OSHA Confined Space Entry will be allowed entry.

- b. Product Solvent Dispensing Equipment – The solvent dispensing hose, connections, and valves are inspected for damage (such as cracks or leaks) and proper functioning each operating day. The pumps, pipes, and fittings are checked for damage and proper functioning. Any damage to the solvent dispensing equipment will be noted and repaired.

Container Storage Area (CSA) – Container storage areas are inspected each operating day. The total volume of the waste held in the CSA will not exceed the permitted volume for the area and will be verified on the inspection each operating day. The contents of any leaking or suspect containers must be placed in a container of adequate integrity. The containers will be properly labeled and marked in accordance with U.S. DOT and Arizona hazardous

waste regulations. The secondary containment system is inspected for deterioration or failure. If cracks or leaks are detected, repairs will be initiated immediately.

- c. Return & Fill Station – The wet dumpster/drum washer in the return & fill area is inspected each operating day for leaks and sediment buildup. Any leaks must be noted and repaired immediately. The leaking dumpster will be removed from service until such time that repairs have been made. Excess sediment removed from the dumpster is drummed for shipment offsite for disposal. Secondary containment pans are inspected each operating day for excess debris. Accumulated debris will be removed and containerized for offsite disposal.
- d. Safety and Security Equipment – See F-2 (above) for a list of safety equipment that is inspected weekly.
- e. Trucks – Each route truck is inspected each day they are operated by the representative assigned to the truck. The inspection may be recorded electronically to comply with U.S. DOT requirements. Each route vehicle and delivery truck must be inspected each day they are operated to insure the proper operation of its brakes, lights, turn signals, emergency flashers and wipers. In addition, the necessary safety equipment must be on board, which may include: sorbents, fire extinguisher, eyewash, first aid kit, reflector kits, chemical protective gloves, chemical protective aprons, and safety glasses.

***F-2a(2) 270.14(b)(5); 264.15(b)(4) Frequency of Inspections***

The inspection schedule presented is adequately protective of environmental and human health.

***F-2a(3) 270.14(b)(5); 264.15(b)(c) Schedule of Remedial Action***

If a problem is discovered during the inspection that can be corrected immediately by the inspector, it is done so and noted on the inspection record. If there is an item noted that requires maintenance, repair, or replacement, the site manager is noticed. If a problem is discovered that could lead to health or environmental damage, the affected unit (if a storage tank or container) will be immediately taken out of service. If required, Safety-Kleen's EHS and engineering department will ensure completion as soon as possible. These items will be entered into a database for tracking the required actions.

***F-2a(4) 270.14(b)(5); 264.15(d) Inspection Log***

An example inspection form is included as Exhibit F-1. Inspections may be recorded electronically. Whether in electronic or written form, required inspections will be maintained for at least three years.

***F-2b(1) 270.14(b)(5) Container Inspection***

Reference ***F-2a(1) c.*** Container Storage Area (CSA) above.

**F-2b(2) 270.14(b)(5); 264.195 Tank System Inspection**

The storage tank system is inspected each operating day. This includes inspection of:

- Tank Volumes
- Tank Gauges (must be readable)
- Product Dispensing System (See F-2a(1) b.
- High Level Alarm (test of siren/strobe)
- All Piping for Corrosion, Distortion, Leaks)
- Transfer Pumps for Leaks

An example of the form utilized to record the inspection is included in Exhibit F-1. Inspections may be recorded electronically. Whether in electronic or written form, required inspections will be maintained for at least three years.

**F-2b(2)(a) 270.14(b)(5); 264.195(b)(1) Tank System External Corrosion and Releases**

The storage tank system is inspected each operating day. This includes looking for any evidence of spills or releases, such as wet spots, discoloration on the exterior of the tank, and corrosion. The tank is painted a light color so any corrosion or seepage will be easy to see.

**F-2b(2)(b) 270.14(b)(5); 264.195(b)(3) Tank System Construction Materials and Surrounding Area**

The exterior surfaces of the tank, piping, secondary containment, as well as the area surrounding the tank system are inspected each operating day to detect erosion or signs of releases (such as wet spots).

**F-2b(2)(c) 270.14(b)(5); 264.195(a) Tank System Overfilling Control Equipment**

The tank system is equipped with a high level alarm which indicates when the tank is 95% full. If the level in the tank is 95% of capacity, the float activates a switch that activates both a visual strobe light located at the tank, and audible (siren) alarm. The Return and Fill dock is located adjacent to the tank and alarms so the employee emptying drums would be alerted to the detected 95% capacity. Simultaneously, the transfer pump is disabled so the tank will not overflow. The pump cannot be restarted until the level of solvent in the tank is below 95% capacity. The high level alarm is inspected each operating day for proper functioning of electrical and mechanical components.

**F-2b(2)(d) 270.14(b)(5); 264.195(b)(2) Tank System Monitoring and Leak Detection Equipment**

The facility does not have pressure or temperature gauges or monitoring wells from which to gather data. Any leaks are discovered by visual or olfactory detection.

### Site Vadose Zone Vapor Monitoring System

This system, required by “Tank Secondary Containment Leak Detection” will be inspected and maintained as indicated in the example “Monthly Inspection Log for the Site Rainwater Run-on/Run-off System and the Vadose Zone Monitoring System” found in Exhibit F-11. This is a visual system in which a line with a weight on it is suspended within the vadose region. Should the line be found broken during the monthly inspection it may indicate vapors being present in the vadose zone and further investigation are warranted. Exhibit B-6 shows the location of the probes as item 15, southeast of the tank farm within the tanker loading/offloading area. Inspections may be recorded electronically. Whether in electronic or written form, required inspections will be maintained for at least three years.

**F-2b(2)(e)**     **270.14(b)(5);**                     **Tank System Cathodic Protection**  
                         **264.195(c)**

The facility does not have a cathodic protection system. Therefore, this section does not apply.

**F-2b(3)**             **270.14(b)(5);**                     **Waste Pile Inspection**  
                         **270.18(d); 264.254(b)**

**F-2b(3)(a)**        **270.14(b)(5);**                     **Run-on and Runoff Control System**  
                         **264.254(b)(1)**

**F-2b(3)(b)**        **270.14(b)(5);**                     **Wind Dispersal System**  
                         **264.254(b)(2)**

**F-2b(3)(a)**        **270.14(b)(5);**                     **Leachate Collection and Removal System**  
                         **270.18(d);**  
                         **264.254(b)(3)**

The facility does not have any Waste Piles. Therefore, these sections do not apply.

**F-2b(4)**             **270.14(b)(5);**                     **Surface Impoundment Inspection**  
                         **264.226(b)**

**F-2b(4)(a)(1)**     **270.14(b)(5);**                     **Overtopping Control System**  
                         **264.226(b)(1)**

**F-2b(4)(a)(2)**     **270.14(b)(5);**                     **Impoundment Contents**  
                         **264.226(b)(2)**

**F-2b(4)(a)(3)**     **270.14(b)(5);**                     **Dikes and Containment Devices**  
                         **264.226(b)(3)**

**F-2b(4)(b)**        **270.14(b)(5);**                     **Structural Integrity**  
                         **264.226(c)**

**F-2b(4)(c)**        **260.14(b)(5);**                     **Leak Detection System**  
                         **270.17(c);**  
                         **264.226(d)**

The facility does not have any Surface Impoundments. Therefore, these sections do not apply.

**F-2b(5)(a)**    **270.14(b)(5);  
264.347(b)**                      **Incinerator and Associated Equipment**

**F-2b(5)(b)**    **270.14(b)(5);  
264.347(c)**                      **Incinerator Waste Feed Cutoff System and Alarms**

The facility does not operate an Incinerator. Therefore these sections do not apply.

**F-2b(6)**            **270.14(b)(5);  
264.303(b)**                      **Landfill Inspection**

**F-2b(6)(a)**    **270.14(b)(5);  
264.303(b)(1)**                      **Run-on and Runoff Control Systems**

**F-2b(6)(b)**    **270.14(b)(5);  
264.303(b)(2)**                      **Wind Dispersal Control System**

**F-2b(4)(c)**    **270.14(b)(5);  
264.303(b)(3)(c)**                      **Leachate Collection and Removal System**

The facility does not operate a Landfill. Therefore these sections do not apply.

**F-2b(7)**            **270.14(b)(5); 264.273(g)**                      **Land Treatment Facility Inspection**

**F-2b(7)(a)**    **270.14(b)(5);  
264.273(g)(1)**                      **Run-on and Runoff Control System**

**F-2b(7)(b)**    **270.14(b)(5);  
264.273(g)(2)**                      **Wind Dispersal Control System**

The facility does not operate a Land Treatment Facility. Therefore these sections do not apply.

**F-2b(8)**            **270.14(b)(5); 264.602**                      **Miscellaneous Unit Inspections**

The drum washer is inspected each operating day for signs of corrosion and leaks. Inspections may be stored electronically. Whether in electronic or written form, required inspections will be maintained for at least three years.

**F-2b(9)**            **270.14(b)(5); 264.15;  
266.102(a)(2)**                      **Boilers and Industrial Furnaces (BIF) Inspection**

The facility does not operate a Boiler or Industrial Furnace. Therefore, this section does not apply.

**F-2b(10)**        **270.14(b)(5);  
264.1101(c)(3)**                      **Containment Building Inspection**

The facility does not operate a Containment Building. Therefore, this section does not apply

**F-2b(11)**        **270.14(b)(5); 264.574**                      **Drip Pad Inspection**

The facility does not operate a Drip Pad. Therefore, this section does not apply

**F-3            270.14(b)(6);            *Waiver or Documentation of Preparedness and Prevention***  
**264.32(a)-(d)                    *Requirements***

The facility is not requesting a waiver of the Preparedness and Prevention requirements.

**F-3a            270.14(b);264.32            *Equipment Requirements***

**F-3a(1)        270.14(b); 264.32(a)        *Internal Communication***

Internal communication (within the facility) is accomplished by voice and loudspeaker paging via the telephones. In the event of an emergency all employees will be informed of the situation and actions required.

**F-3a(2)        270.14(b); 264.32(b)        *External Communication***

External communication (for summoning emergency assistance from local police, fire, or other emergency response) is accomplished via the telephone system or by cell phone. A list of emergency telephone numbers is posted by each telephone in the facility. Telephone locations are shown in Exhibit F-3 and F-3.1.

**F-3a(3)        270.14(b); 264.32(c)        *Emergency Equipment***

There are a minimum of 9 10-pound (or more) Class ABC fire extinguishers located throughout the active area of the facility with additional fire extinguishers by the exits in the office area. Fire Extinguishers are available at each of the warehouse exits and adjacent to the tank farm. The Chandler Fire Department will be summoned for any fire that cannot be extinguished with a fire extinguisher.

An emergency response board is set up on the north wall of the CSA, which provides easy access to spill control related equipment for the facility. A list of emergency equipment is included as Exhibit F-4; and a diagram indicating location of each item is included as Exhibits F-3 and F-3.1. In addition to materials contained in the area of the response board, there is normally a supply of various absorbent materials in inventory for sale to our customers. In the event of an emergency, these items are available for use.

A combination emergency eyewash/shower is available in the CSA and the Return and Fill area. A stand-alone emergency eyewash is also available near the tank farm. There is also a standard shower located in the second floor of the office area that can be used to further decontaminate.

**F-3a(4)        270.14(b); 264.32(d)        *Water and Fire Control***

The warehouse areas of the facility have automatic fire extinguishing systems. The CSA and the Return and Fill area have a dry-pipe water sprinkler fire suppression system. The dry-pipe water sprinkler suppression system provides a delivery density of 0.30 gpm/sq. ft. at 1153.2 gpm at a pressure of 36.8 psi at the base of the riser. A third party fire system company inspects and recertifies the system annually. The fire system inspection company places a current dated tag on the system at the time of inspection. See Exhibit F-13 & 14 for system details.

Based on construction the ASTs meet NFPA 2012 Ch. 22.8.2 for fixed-roof tanks storing Class II or III Liquids and are required to have a portable fire extinguisher. Fire extinguishers are shown in Exhibit F-3 and F-3.1.

Water is provided by the City of Chandler. There are four fire hydrants located on Frye Road between Beck Avenue and McKemy Avenue, in addition to a hydrant on the northwest corner of Frye Road and Beck Avenue. All of these hydrants are within 1000 feet of the service center and all meet City of Chandler requirements. The average flow rate is 1,200 – 1,400 gallons per minute, with a static pressure of 75 to 85 pounds per square inch gauge. This information is contained in Exhibit B-6 (“Water Main, Fire Hydrant, and Storm Sewer Map of Facility”). The City of Chandler Fire Department will be summoned to respond to all fires that cannot be extinguished with a fire extinguisher.

**F-3a(5)      270.14(b); 264.33      *Testing and Maintenance of Equipment***

A documented inspection of safety equipment is conducted weekly. An example inspection form is included as Exhibit F-2. Inspections may be recorded electronically.

**F-3a(6)      270.14(b); 264.34      *Access to Communication or Alarm System***

Employees have access to the telephone system to communicate internally and externally as needed.

**F-3b            270.14(b); 264.35            *Aisle Space Requirement***

The facility maintains aisle space (typically 2 feet) to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment.

- F-3c            270.14(b); 264.37            *Documentation of Arrangements with:***
- F-3c(1)       270.14(b); 264.37(a)(1)      *Police and Fire Department***
- F-3c(2)       270.14(b); 264.37(a)(2)      *Emergency Response Team***
- F-3c(3)       270.14(b); 264.37(a)(3)      *Local Hospital***

Safety-Kleen provides a copy of the facility Contingency Plan to the Chandler Fire and Police Departments, Clean Harbors Emergency Response Center, and Chandler Regional Medical Center. When the Contingency Plan is revised, copies are sent to these groups to keep them apprised of current information. Safety-Kleen requests the Departments sign and return an acknowledgement letter. Copies of the most recent request letters and acknowledgements are included in Exhibit F-5.

**F-3c(4)       270.14(b); 264.37(b)       *Document Agreement Refusal***

In the event any emergency response agency refuses to enter into a coordination agreement, documentation of this will be maintained at the facility.

<b>F-4</b>	<b>270.14</b>	<b>Prevention Procedures, Structures, and Equipment</b>
<b>F-4a</b>	<b>270.14(b)(8)(i)</b>	<b>Unloading Procedures</b>

The Chandler Service Center was designed to minimize the possibility of spills or fires and to minimize the effects of any accidents that may occur.

Proper handling of hazardous waste is ensured through proper training. Employees are trained on hazardous waste procedures during their initial training and then annually. It is Safety-Kleen's standard operating procedure to use containers made of or lined with materials that will not react with, and are otherwise compatible with, the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired. Safety-Kleen will store and transport any incompatible wastes in accordance with 49 CFR 177.848 (segregation of hazardous materials). Hazardous waste is received onsite in containers. Proper handling of hazardous waste is ensured through proper training and use of proper equipment. Employees are trained on hazardous waste procedures during their initial training and then annually.

Containers of hazardous waste are off-loaded from route trucks into the enclosed storage areas. Non-hazardous drums may be stored to the south of the warehouse. Entrance to warehouse storage areas (CSA and Return and Fill) is at grade level with the exception to the west dock. Waste containers that will be placed into storage in the warehouse are either backed up to a dock for offloading or lowered to the ground in the parking area on the east or south side of the warehouse via a hydraulic platform lift gate that is on each route truck. The employee moves containers from the cargo carrying portion of the vehicle onto the lift gate that is extended flush with bed of the truck. The lift gate is then lowered to grade level and typically palletized. The drums are moved from the lift gate into the appropriate storage area by forklift, pallet jack, or drum dolly. The area where the route trucks park while unloading is paved.

Drums of waste that will be emptied into the used solvent tank will be delivered to the dock or floor area of the Return and Fill area in a similar manner as the other containers of hazardous waste as described above. Once placed in the Return and Fill they will generally be poured off within 24-operating hours. Should the drums require storage for more than 24-operating hours they will be moved to the CSA and added to the FOL as being in storage.

The storage tanks are located in a tank farm with a containment area designed and operated to remove accumulated liquids through a sump located in the containment dike. Accumulated precipitation in the secondary containment system will be removed in a timely basis after detection. A visual inspection of the storm water for a sheen and discoloration will be conducted. If no sheen or discoloration is noted, the accumulated precipitation will be discharged from the tank farm to the surface of the facility. If sheen is noted, the precipitation will be pumped into an onsite storage tank, or a tanker or container for offsite management as hazardous unless tested and shown otherwise. If a solvent spill occurs within the containment dike, the spilled material will be completely removed. Should a spill occur and there is water present, a waste determination shall be made the material will be managed appropriately. Accumulated liquids will be removed by use of a portable pump or vacuum truck that must be placed into the sump. An automatic pump is not present in the tank farm.

Product solvent is delivered by bulk tanker with typically a 7,000 gallon capacity. The same vehicle transports a load of used solvent out of the site when they leave. The driver of the transport vehicle conducts product and waste transfer. The vehicle parks on a concrete loading pad adjacent to the tank farm.

Prior to transferring product into the tank, the driver verifies there is adequate tank capacity for the entire load scheduled for delivery. The driver places a bucket to capture any drips that may occur when connecting and disconnecting the delivery hoses on the tanker. Any drips that may occur when connecting and disconnecting the delivery hoses to the tank piping are captured in a containment box surrounding the inlets and outlets. After the driver delivers the load of clean product, he/she determines available capacity in the tanker. The transfer hose is connected to the exit line on the used solvent pipe and the used solvent is transferred into the tanker. The transfer operations are monitored at all times by the driver. To eliminate the risk of a static charge during transfer operations, the tanker is grounded and bonded.

**F-4b**            **270.14(b)(8)(ii)**            **Runoff**

The containers are stored in an enclosed warehouse or contained storage shed, and not subject to run on or run off. Tank storage is in a diked tank farm. The diking prevents run on and runoff. The dikes are constructed to contain the anticipated collection from a 24-hour, 25-year storm. Drums of used mineral spirits solvent are emptied in the Return and Fill which is enclosed so that any material splashed, dripped, or spilled will not runoff.

The Chandler service center is designed to minimize the potential of storm water run-on and run-off. The facility is not located in a 100-year floodplain. In the event of a 100-year, 2-hour storm, the facility is designed to retain the storm water on site.

**F-4c**            **270.14(b)(8)(iii)**            **Water Supplies**

The Chandler Service Center is operated in a manner that is protective of water supplies. Containers of waste are storage in enclosed areas and the transfer of used solvent to the bulk storage tank is conducted over secondary containment. Bulk storage tanks are located within a tank farm that has adequate containment capacity. The facility is maintained to prevent waste materials migrating to the environment.

The site rainwater run-on / run-off system is comprised of the load / unload area sump, underground PVC pipe drains, lined concrete retention basin, galvanized chain-link fence, commercially available rain gauge, Envibro treatment units, and drywells. Because the areas have the remote possibility of containing rainfall that may be contaminated, these areas will be inspected as indicated in "Monthly Inspection Log - Site Rainwater System and Vadose Zone Vapor Monitoring System" found in Exhibit F-11. The underground piping is unable to be inspected; however, due to its down slope, any crack in the piping is not expected to emanate to the soil significant amounts of rainwater. Runoff from the warehouse roof is piped to the natural area to the north of the property.

In accordance with City of Chandler planning requirements, an on-site drainage system and retention pond collects storm water. Additionally two "Envibro" treatment units and two drywells discharge storm

water according to the requirements outlined below. The drains / basin / treatment units / drywells configuration is as shown in Exhibit B-9.

The surface drainage system directs storm water to the retention pond. Storm water collected in the pond will be sampled and analyzed for volatile organic compounds and heavy metals (e.g., lead and cadmium). If the storm water meets the water quality standards contained herein, then the water will be treated and discharged into the drywells on-site. If the storm water does not meet the water quality standards contained herein, the water will be transported to an approved off-site facility. Sampling and stormwater characteristics are recorded on Exhibit F-12 Example Stormwater Inspection Form. Inspections may be stored electronically.

The Permittee shall follow the requirements herein to ensure no “pollutants” related to the handling and storage of waste or product at the facility are discharged from the drainage system, storm water surface impoundments, “envibro” treatment units, or drywells:

- a. These requirements are from the City of Chandler’s Use Permit (Permit Application #Z90-067 contained in Chandler’s Memorandum No. CC-92-077, approved on May 14, 1992 with conditions). A copy of the permit is found in Exhibit F-17.
- b. These requirements are also imposed by the ADEQ to ensure that the Aquifer Protection Permit rules contained in ARS Title 49, Article 3 are met. Specifically:
  - (i) The exemption of the drywells pursuant to ARS § 49-241.B.5, that “the drywells are not adding a pollutant”; and
  - (ii) The exemption of a surface impoundment per ARS § 49-250.B.10, “surface impoundments used solely to contain storm water.”

Because the surface impoundment has a small possibility of receiving non-hazardous or hazardous pollutants due to spills not cleaned up fully, ADEQ is also imposing conditions, that, in the event the impoundment does receive these pollutants, it will not discharge it to the environment. These conditions will serve to provide adequate until more stringent conditions can be incorporated, as deemed necessary, pursuant to ARS § 49-241.B.1 and AAC R18-9-105(1). Such measures are not limited to pollutant discharge fees, closure, and remedial considerations.

Note: The waste tank that would primarily affect this impoundment contains waste parts washer solvent (ignitable and toxic characteristic) and no listed wastes. There are two other tanks; one contains product parts washer solvent and the other used antifreeze.

#### Drainage System and Retention Pond

The pond is located in the southwest corner of the property. The lined concrete surface impoundment unit is connected to the on-site storm drain system and is intended for the collection of on-site rainwater.

- The drainage system and retention pond will be inspected as required in this section.
- In the event of a spill, the Permittee shall clean up the release completely and handle it in accordance with the “Contingency Plan” and / or other applicable permit conditions, and keep it separate from the storm water run-off collected on-site.

#### The rain water collected in the basin will be measured

The volume of the storm water shall be measured at the time it goes into the retention pond on site and when it is released into the drywells. A form will be used to track all storm water generated on site. This will quantify the amount of water discharged and how much is sent out as wastewater.

A rain gauge (gives height) multiplied by the area of surface receiving rainfall (parking and transportation surfaces only; roof run-off goes off site) shall give volume. The date / time of the rainfall and measurement, the qualified person taking the data, the gauge type and calibration date if applicable, and the measured gauge height, surface area, and final calculated volume will be recorded. The rain gauge shall be a commercially available gauge installed at the top of the galvanized fence next to the retention basin.

#### Sampling of rainwater

The rain water collected in the basin will be sampled as follows:

- a. Sampling and testing shall be performed prior to treatment / discharge or disposal. The sampling will be performed within 24-hours after the initial rainfall has stopped. Note that the City of Chandler Code requires all retention areas to be drained within a 36-hour period for purposes of vector control.
  - (i) Metals shall be sampled and analyzed for only one rain event per year unless there is substantial cause for metals increase (e.g., major spill or fire on the property).
  - (ii) Non-metals shall be sampled / analyzed for after every rainfall. If additional rainfall has entered the basin after the samples were taken, the new volume must be recorded and re-sampling done. If the rainfall has not stopped and it is necessary to remove rainfall from the impoundment, allowances (e.g., temporary transfer to a tanker truck) can be made as verbally approved by the ADEQ.
- b. Water samples will be taken from the retention pond using a  $\geq 30$ -inch long COLIWASA or glass tube by a person trained in collecting laboratory samples, placed in an approved container with any necessary preservatives obtained from the laboratory. Necessary quality control samples shall also be taken or used.
- c. The analytical methods used shall be Method 601/8010 and Method 602/8020 (modified for mineral spirits) for non-metals, and appropriate metal methods (primarily lead and cadmium). These methods shall be from the USEPA SW-846 or the Standard Methods for the Examination of Water and Wastewater (current edition).
- d. Based upon the following criteria for constituents tested for (constituents in the waste or product at the facility), Safety-Kleen will decide if the rainwater is to be transported off-site or disposed of on-site:
- e. Safety-Kleen shall immediately notify ADEQ if any storm water is found to contain "pollutants" as defined by ARS § 49.201.23 (e.g., chemicals, petroleum products) related to the handling and storage of waste or product at the facility. Neither the impoundment nor the Envibro treatment system has been permitted pursuant to ARS 49.241.B or 49 – 922.B (as a TSD unit).
- f. Safety-Kleen will not discharge storm water into the drywell(s) when the storm water contains constituent(s) analyzed for that is:
  - (i) Above established baseline background levels. Existing aquifer background sample data will be used to establish a baseline level for discharges.
  - (ii) For constituents with no established baseline background level: above the more stringent of the EPA Primary or Secondary Drinking Water Standards or action levels, or the ADEQ Aquifer Water Quality Standards (most current).
  - (iii) Any listed constituents in, or when characteristic hazardous waste exists as, the storm water.

Should non listed hydrocarbons that are not drinking water testing constituents be found at < 10 ppm and a slight sheen be seen on the water in the basin, the water will be discharged to Envibro system through a hydrocarbon selective absorbent until a few hundred gallons remain in the basin. This water with the sheen will then be removed by a tanker truck and disposed of at a waste water treatment site off site. If any residues are found on the walls of the basin they shall be cleaned off as soon as possible.

### Rainwater Management Following its Collection In the Basin

If not transported to an approved disposal facility, the rainwater collected in the basin shall be pumped through the Envibro absorption / filtration system

The Envibro system – Maxwell is considered the best available demonstrated control technology (BADCAT) to ensure the greatest degree of discharge reduction for drywell operations as of February 9, 1993. The design and maintenance requirements are contained in Exhibit F-10 (“Envibro Drainage System Data Sheet”). The application of the system is specifically for organics, not for metals, and not all organics are included.

### ADEQ Notifications after treatment of rainwater

After treatment, the water may then drain into the drywells for percolation into the vadose zone. Prior to such drainage, however, the Permittee shall ensure:

- a. A fee has been paid for the registration of the drywells. The two drywells were registered on January 22, 1993 as numbers 07-007347-09 thru 007348. If no pollutants are discharged into the drywell, then no annual fee, or permit, is required.
- b. Inform the ADEQ Plan Review and Permits Section and the Hazardous Waste Permits Unit in writing if any change of activities at the site will result in a revision of the drywell registration information provided to ADEQ, per Exhibit F-13 (“ADEQ Interoffice Memo Re: Safety-Kleen Dry Well Installation DW 93-0130”).
- c. Such changes are not limited to:
  - (i) Property owner (lessor) or facility owner (lessee);
  - (ii) Area drained by the drywell(s);
  - (iii) Nature of business
  - (iv) Construction and location criteria given in Exhibit F-13, (“ADEQ Interoffice Memo Re: Safety-Kleen Dry Well Installation DW 93-0130”).
  - (v) Well operation status; and
  - (vi) Fluids received other than storm water.

After these assurances are made, then:

- d. The volume of rainwater at the time when it is released into the drywells shall be measured. The method and record keeping procedures shall be commensurate to those in 3.3.3.2, above (e.g., a calibrated flow volume indicator instead of a rain gauge). The purpose shall ensure that the volume to the drywell(s) shall be differentiated from the volume transported off-site.
- e. When permanently taking the drywell services out of service, the Permittee shall follow Exhibit F-8 (“ADEQ Interoffice Memo Re: Safety-Kleen Dry Well Installation DW 93-0130”) and EPA Region 9 “Guidelines for Closure of Shallow Disposal Wells” (1992) or equivalent.

### Reporting and Records Retention

Besides the immediate reporting requirements in Section 3.3.3.5 above, the final results (amount of rainfall, lab results, disposition, etc.) will be forwarded on a form to ADEQ (copy to the City of Chandler Public Works) within 15 calendar days of final disposition of the storm / waste water.

Retention of the rainfall discharge forms, filed reports and manner of disposition shall be maintained on-site for a period of two years and in corporate files for the life of the facility.

Per Property Owner’s Manual for Stormwater Management, prepared by City of Chandler (Dated April 2008, revised September 2015), annual drywell inspections shall be documented utilizing ADEQ’s inspection checklist and kept on file by the drywell facility owner. The Annual Drywell Inspection Checklist is Exhibit F-16. These may be stored electronically and will be held for at least 3 years.

### Annual Cleaning

According to the manufacturer “The Envibro System requires limited maintenance under normal operating conditions. A service opening above the tank’s compartment permits periodic removal of retained liquids or fines. The filter assembly and the PureFlo II Drain Field are easily accessible and can be cleansed by removing them from the tank and simply hosing them down to remove fine debris...Replacement of activated Imbiber Beads is normally required if they are exposed to an appreciable release of organic liquids. However, under normal operation, the Imbiber Beads can be expected to have a long life.”

Safety-Kleen will periodically clean the filters of fine debris by pressure washing; this will typically be done annually unless there is an unusually dry year. Cleaning is accomplished by removing the filters and pressure washing the collected solids from the membranes. Should the imbiber beads ever swell to the point of no longer allowing water to pass the beads will be replaced.

#### **F-4d            270.14(b)(8)(iv)            *Equipment and Power Failure***

A power failure would not result in a spill. Should a power failure occur, all activities requiring electricity will necessarily cease. The transfer pump used to pump the used solvent into the storage tank is electric and will fail during a power outage. No liquid can back flow from the tank because the fill line has a check valve at the tank. Since the tank is not pressurized, the lines will be in a stable state until the power is restored and the pump is restarted. The high level alarm on the tank requires electricity to operate. However, the only way used solvent can be transferred into the storage tank is via the transfer pump and the pump will not be operable during a power outage.

The transfer pumps used to pump clean solvent into the storage tanks, or remove used solvent from the tank are located on the transport vehicles so a power failure will not have any effect on removal of material from the tank.

#### **F-4e            270.14(b)(8)(v)            *Personnel Protection Procedures***

In January 2005, Safety-Kleen was provided with professional Industrial Hygiene (IH) monitoring services through AIG insurance. The objective of the surveys was to monitor (1) Service Representatives for solvent exposure during parts washer services, unvented gun cleaners, dry cleaning services and (2) monitor Material Handlers for solvent and noise exposure during return/fill operations.

All results were below 50% of the applicable OSHA and ACGIH values except for the Short Term (STEL) sample for Toluene (67% of OSHA Ceiling) during the unvented gun cleaner service conducted at customer locations, and the ACGIH 80-db average for Noise (88.0 dB). Results will not affect the current branch PPE hazard assessments (2015) for servicing unvented gun cleaners, parts washers and dump/fill operations (while using pneumatic gun). The hazard assessment completed for the return and fill operations (container emptying, cleaning, and refilling) indicates employees are not exposed to toxic constituents above acceptable workplace levels that would require the use of a respirator.

All Safety-Kleen employees receive extensive training on recognizing hazards in the workplace and how to avoid or best manage them. Safety-Kleen's Health & Safety Department completes hazard assessments for all branch activities and issues a Personal Protection Equipment (PPE) Matrix that all employees are required to follow. The current PPE Matrix is included as Exhibit F-6. The recap of the AIG IH study is included as Exhibit F-9.

**F-4f**                    **270.14(b)(8)(vi)**                    ***Procedures to Minimize Releases to the Atmosphere***

The tank system is equipped with a high level alarm that indicates when the tank is 95% full. If the level in the tank is at 95% capacity, the float activates a switch that activates the visual and audible alarms. The transfer pump in the drum washer is disabled so that the tank will not overflow. The high level alarm is inspected daily for proper functioning of electrical components. The volume of used solvent in the bulk storage tank is visually monitored daily to ensure adequate capacity for the day's activities.

The tank is equipped with a pressure/vacuum vent that operates at two ounces of pressure and one ounce of vacuum. The specific gravity of the hydrocarbon-based parts washer solvent is approximately 0.8 and the vapor pressure is less than 2mm at 68°F. Tanks and piping are inspected each operating day for signs of deterioration.

Containers of used solvent are opened and immediately emptied into the drum washer. When drums of product solvent are being filled, they are not left unattended, and are closed with a lid and ring as soon as they are full. Other containers of waste are not opened while onsite. These containers are inspected each operating day for signs of deterioration.

**F-5**                    **270.14(b)(9)**                    ***Prevention of Reaction of Ignitable, Reactive, and Incompatible Waste***

**F-5a**                    **270.14(b)(9);**  
**264.17(a),(b)**                    ***Precautions to Prevent Ignition or Reaction of Ignitable or Reactive Wastes***

Reactive wastes are not received at this facility. It is Safety-Kleen's standard operating procedure to use containers made of or lined with materials that will not react with, and are otherwise compatible with, the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired. Safety-Kleen will store and transport any incompatible wastes in accordance with 49 CFR 177.848, Segregation of Hazardous Materials. Any wastes that may be incompatible with others wastes would be managed as 10-day transfer wastes and these wastes remain in the container in which they were originally packaged until received at a Safety-Kleen Recycle Center or other properly permitted facility. On an infrequent basis we may receive 10-Day transfer material that is incompatible with other wastes (such as an oxidizer). In those cases it will be segregated and/or placed in a compatible poly containment unit that has an equal or greater capacity.

The facility receives combustible mineral spirits solvent. The following is a list of general fire prevention and minimization measures:

- a. All waste and products are kept away from ignitable sources – Personnel must confine smoking and open flames to remote areas, separate from any ignitable materials. Smoking is not permitted within the facility and No Smoking warning signs are posted throughout the facility. The approved

smoking area is located outside of the fenced operational area of the facility, outside of the office building. The solvent handling area and the aboveground storage tanks are separated from the warehouse area to minimize the potential for a fire to spread or injury to personnel. All electrical wiring, switches, and fixtures meet applicable fire safety and electrical construction codes.

b. Ignitable wastes are handled so that they do not:

1. Become subject to extreme heat or pressure, fire or explosion, or a violent reaction – the used parts washer solvent is stored in a tank or in containers, none of which are near sources of extreme heat, fire, potential explosion sources, or sources that are subject to violent reactions. The tanks are vented and the containers are kept at ambient temperature to minimize the potential for pressure buildup.
2. Produce uncontrolled toxic mists, fumes, dusts or gases in quantities sufficient to threaten human health – The vapor pressure of parts cleaner solvent is low, 2 mm Hg at 68°F, and it is reactive with reactive metals and strong oxidizers only. Toxic mists, fumes, dusts, or gases will not form in quantities to threaten human health since strong oxidizers are not handled at this facility, and the solvent vaporization will be minimal under normal working conditions.
3. Produce uncontrolled fires or gases in quantities sufficient to pose a risk of fire or explosion – See “a” above and “c” below.
4. Damage the structural integrity of the Safety-Kleen facility – The parts washer solvent will not cause deterioration of the tank, drums or other structural components of the facility.

c. Adequate aisle space is maintained to allow the unobstructed movement of personnel, fire protection equipment, and decontamination equipment to any area of the facility operation in an emergency.

d. Fire extinguishers must be checked once per week by facility personnel to ensure proper charge and once per year by a fire extinguisher company.

e. There is a potential for static electricity occurring during transfer activities to and from the bulk solvent storage tanks and the transport tanker. This is controlled through bonding and grounding. In bonding, two containers or fluid streams are electrically connected. This neutralizes the build-up of a difference in static charge or potential between the two containers. In grounding, the containers are electrically connected to the earth, which also drains off the buildup of static charge or potential. Exhibit F-15 shows detail on the Vertical Tank Grounding Plan.

The facility manager is responsible for implementation of the written site-specific hot work permit program. This responsibility includes identifying areas in the facility where a hot work permit is required. Open flames are not permitted in any areas where ignitable or flammable materials are stored. Safety-Kleen’s Hotwork Permit Standard and example permit is included as Exhibit F-7.

In accordance with NFPA 30, “Flammable and Combustible Liquids Code”, Tables 2.1 to 2.6, the minimum buffer zone requirements for the storage tanks are:

1. Tanks must be located a minimum of 15 feet from the property line which is or can be built upon, including the opposite side of a public way.

2. Tanks must be located a minimum of 5 feet from the nearest side of any public way or from nearest important building on the same property.

The storage tank is in compliance with the above buffer zone requirements. This is demonstrated in Exhibit F-3.1 which has the 50' set-back indicated.

Warehouse temperatures do not attain levels high enough to cause concerns with auto ignition temperatures. Auto ignition temperatures of the products that are stored in the CSA ranges from 451 to 869 (see attached SDSs in Exhibit G-3). In case of a fire, hydrants are available for fire department use as a source for cooling water or suppression just north of the site on West Frye Road.

A copy of the City of Chandler Certificate of Occupancy has been included as Exhibit F-18, this shows a H rating for the warehouse.

**F-5b            270.14(b)(9); 264.17(a)    *General Precautions for Handling Ignitable or Reactive Waste and Mixing of Incompatible Waste***

The facility does not mix incompatible wastes. The facility only commingles used parts washer solvent onsite and this will not cause any reaction that would generate heat, produce flammable byproducts, cause risk of fire or explosion, threaten structural integrity, or pose threat to human life or the environment.

The facility occasionally handles small volumes of oxidizers on a transfer waste basis. These containers will be kept on separate pallets, placed on poly containment pallets and/or segregated from ignitable and corrosive wastes, in accordance with 49 CFR 177.848.

**F-5b(1)        270.14(b)(9); 264.17(c)    *Documentation of Adequacy of Procedures***

The facility does not mix incompatible wastes. Therefore, this section does not apply.

**F-5c            270.15(c); 264.176            *Management of Ignitable or Reactive Wastes in Containers***

All containers storing ignitable wastes and materials are stored at least 15 meters (approximately 50 feet) from the property lines. This is demonstrated in Exhibit F-3.1, which has the 50' set-back indicated.

**F-5d            270.15(d); 264.177            *Management of Incompatible Wastes in Containers***

It is Safety-Kleen's standard operating procedure to use containers made of or lined with materials that will not react with, and are otherwise compatible with, the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired. Containers provided by the generators will be, by necessity, compatible with the contents. Any incompatibility between the container and contents would have resulted in a reaction at the generator location, prior to being offered for shipment. Safety-Kleen will store and transport all wastes in accordance with U.S. DOT segregation standards (49 CFR 177.848). There is no onsite mixing or commingling of incompatible wastes onsite.

**F-5e            270.16(j); 264.198            *Management of Ignitable or Reactive Wastes in Tank Systems***

The used parts washer solvent is only stored in the tank system. Safety-Kleen does not treat ignitable waste so it is no longer ignitable. F-5a describes safe handling methods for the parts washer solvent in the tank. In addition, per section F-5c, the tank farm is inside the fence line and beyond the 15 meter set back from the property lines.

**F-5f            270.16(j); 264.199            *Management of Incompatible Wastes in Tank Systems***

The used parts washer solvent is the only waste stored in the tank system. No incompatible wastes will be managed in the tank system.

**F-5g            270.18(g); 264.256            *Management of Ignitable or Reactive Wastes Placed in Waste Piles***

**F-5h            270.16(h); 264.257            *Management of Incompatible Wastes in Waste Piles***

The facility does not have a Waste Pile. Therefore, these sections do not apply.

**F-5i            270.17(h); 264.229            *Management of Ignitable or Reactive Wastes Placed in Surface Impoundments***

**F-5j            270.17(h); 264.230            *Management of Incompatible Wastes Placed in Surface Impoundments***

The facility does not have a Surface Impoundment. Therefore, this section does not apply.

**F-5k            270.21(f); 264.312            *Management of Ignitable or Reactive Wastes Placed in Landfills***

**F-5l            270.21(g); 264.313            *Management of Incompatible Wastes Placed in Landfills***

The facility does not have a Landfill. Therefore, this section does not apply.

**F-5m            270.20(g); 264.281            *Management of Ignitable or Reactive Wastes Placed in Land Treatment Units***

**F-5n            270.20(h); 264.282            *Management of Incompatible Wastes Placed in Land Treatment Units***

The facility does not have a Land Treatment Unit. Therefore, this section does not apply.

**F-5o            270.14(a);  
264.1101(a)(3)            *Management of Incompatible Wastes Placed in Containment Buildings***

The facility does not have a Containment Building. Therefore, this section does not apply.

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**ATTACHMENT G**  
**CONTINGENCY PLAN**

## ATTACHMENT G

### CONTINGENCY PLAN

**G-1**      **270.14(b)(7)**                      ***Contingency Plan***

The Contingency Plan is located in Exhibit G-1.

**G-2**      **270.14(b)(7); 264.52(d);**      ***Emergency Coordinators***  
**264.55**

There is an emergency coordinator is on-site or on-call at all times. The emergency coordinator and the alternate coordinator are familiar with all aspects of the Contingency Plan, the operations and activities at the facility, the location and characteristics of materials handled, the location of records within the facility, and the facility layout.

**G-3**      **270.14(b)(7); 264.52(a);**      ***Implementation***  
**264.56(d)**

The Contingency Plan will be carried out immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

**G-4**      **270.14(b)(7)264.56**                      ***Emergency Actions***

**G-4a**      **270.14(b)(7); 264.56(a)**                      ***Notification***

Employees are authorized to activate the internal facility alarm or communication systems to notify all facility personnel and the emergency coordinator or alternate. The coordinator will notify state and local agencies as necessary. Safety-Kleen's Qualified Emergency Responder will be notified.

**G-4b**      **270.14(b)(7); 264.56(b)**                      ***Identification of Hazardous Materials***

The emergency coordinator will identify the character, amount, and extent of any released materials. The coordinator may do this in conjunction with personnel who first identified the release, reviewing operating records, shipping documents, and chemical analyses.

**G-4c**      **270.14(b)(7); 264.56(c)(d)**                      ***Assessment***

The emergency coordinator must assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment must consider both direct and indirect effects of the release, fire, or explosion (i.e. the effects of any toxic, irritating, or asphyxiating gases that may be generated, or the effects of any hazardous run-off). The emergency coordinator has access to Safety-Kleen's EHS personnel to assist in this assessment.

**G-4d**      **270.14(b)(7); 264.52(a)**                      ***Control Procedures***

The contingency plan in Exhibit G-1 describes the actions facility personnel must take to comply with §§ 264.51 and 264.56 in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.

***The contingency plan must describe the actions facility personnel must take to comply with §§ 264.51 and 264.56 in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.***

**G-4e 270.14(b)(7); 264.56(e) Prevention of Recurrence or Spread of Fires, Explosions, or Releases**

All employees (with the exception of the Branch Administrators) are trained to respond and assist with cleaning up incidental releases. Response actions may include stopping processes and operations, collection and containing released material, and removing or isolating containers.

**G-4e(1) 270.14(b)(7); 264.56(f) Monitor for Leaks, Pressure Buildup, Gas Generation, or Ruptures of Released Material**

The facility is designed to be a passive waste management facility. Much of the material handled at the facility is contained in small containers and manually moved from storage to transport.

The spent parts washer solvents that are unloaded into the dumpster/drum washer unit depend upon a pump for transfer to the storage tank. If the power or transfer equipment fails, this operation would be halted. There would be no leaks, pressure build-up or gas generation due to the halting of operations.

There are pressure/vacuum vents on the top of each tank to limit pressure and vacuum build-up in the tanks. Since the piping is connected to the tanks and the valves from the tanks to the piping are normally in the open position, the pressure in the piping is limited also.

**G-4f 270.14(b)(7); 264.56(g) Storage, Treatment, and disposal of Released Material**

The treatment, storage, and/or disposal of the recovered waste, contaminated soil, or surface water that results will be arranged by Safety-Kleen and carried out as expeditiously as possible. Typical management methods include:

- Releases of individual drums will typically be re-containerized and shipped off site as intended.
- Releases of containerized parts washer solvent will be pumped into the used parts washer solvent tank via the Return and Fill.
- Releases of solvent in the tank farm will be pumped back into the tank, re-containerized or pumped into a tanker truck for shipment offsite depending on the circumstances and efficacy.
- Larger releases in the warehouses that make their way to the containment trenches will be collected in the containment trench then pumped into containers,

the parts washer tank or a tank truck depending on what they are and their volume.

- Larger volumes of fire system water will typically be pumped from the trenches to a tank truck for offsite disposal.

In all cases sampling will be done to identify the released material if it is not obvious from the source.

**G-4g 270.14(b)(7); 264.56(h)(1) Incompatible Waste**

The emergency coordinator will ensure that in the affected area(s) of the facility, no substance that may be incompatible with the released material is brought on site until cleanup procedures are complete.

**G-4h 270.14(b)(7); 264.56(h)(2) Post-Emergency Equipment Management**

The emergency coordinator will ensure that, in the affected area(s) of the facility, all emergency equipment listed in the Contingency Plan is cleaned/decontaminated and fit for its intended use before operations are resumed. The Contingency Plan in Exhibit G-1 section 8 describes these decontamination procedures.

**G-4h(1) 270.14(b)(7); 264.56(i) Notification of Federal, State and Local Authorities before Resuming Operations**

Within 15 days of the incident, a written report will be submitted to the appropriate State and Local authorities.

**G-4i 270.14(b)(7); 264.52; 264.71 Container Spills and Leakage**

The Contingency Plan describes procedures to be followed when responding to container spills and leaks (reference Exhibit G-1).

**G-4j 270.14(b)(7); 264.196(a) Tank Spills and Leakage**

**G-4j(1) 270.14(b)(7); 264.186(a) Stopping Waste**

The Contingency Plan describes procedures to stop the flow of hazardous waste.

**G-4j(2) 270.14(b)(7); 264.196(b) Removing Waste**

The Contingency Plan describes procedures to remove waste within 24 hours after a leak is detected, remove waste and allow inspection and repair of the tank system.

**G-4j(3) 270.14(b)(7); 264.196(c) Containment of Visible Releases**

The Contingency Plan describes procedures to conduct a visual inspection of a release.

**G-4j(4) 270.14(b)(7); 264.196(d) Notification Reports**

Any release which could threaten human health or the environment to the environment will be reported to the ADEQ within 24 hours of detection.

**G-4j(5) 270.14(b)(7); 264.196(e) Provision of Secondary Containment, Repair, or Closure**

Safety-Kleen will satisfy the requirements of paragraphs 40 CFR 264.196 (e) (2) through (4) or the tank system will be closed.

**G-4k 270.14(b)(7); 264.227 Requirements for Surface Impoundments.**

The facility does operate any surface impoundments. Therefore, these sections do not apply.

**G-4l 270.14(b)(7); 264.1101 Requirements for Containment Buildings**

The facility does operate any containment buildings. Therefore, these sections do not apply.

**G-4m 270.14(b)(7); 264.573(m) Requirements for Drip Pads**

The facility does operate any drip pads. Therefore, these sections do not apply.

**G-5 270.14(b)(7); 264.52(e) Emergency Equipment**

Facility drawings indicating the location of emergency items is located in Exhibit F-3 and F-3.1. Current list of emergency equipment is located in Exhibit F-4.

**G-6 270.14(b)(7); 264.37; 264.52(c) Arrangements with Local Authorities**

Copies of this document, and any revisions, are provided to local authorities and organizations listed on the Emergency Contact List (Exhibit G-2). Refusal to enter into a coordination agreement will be documented.

**G-7 270.14(b)(7); 264.52(f) Evacuation Plan for Facility Personnel**

The site evacuation plan is shown in Exhibit G-4 and G-5. Notice of evacuation will be made via the intercom system or by word of mouth.

**G-8 270.14(b)(7); 264.56(j) Required Report Procedures**

Safety-Kleen will record the time, date, and details of incidents requiring implementation of the Contingency Plan.

**G-9 270.14(b)(7); 264.53 Location and Distribution of Contingency Plan**

This plan and all revisions to the plan are kept at the facility and regularly updated throughout the operating life of the facility. Copies of this document, and any revisions, are provided to local authorities and organizations listed on the example Emergency Contact List (Exhibit G-2).

SAFETY-KLEEN CHANDLER  
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ATTACHMENT H  
DRAFT PERMIT

**ATTACHMENT H**  
**PERSONNEL TRAINING**

## ATTACHMENT H

### PERSONNEL TRAINING

**H-1**      **270.14(b)(12);**                      ***Outline of Introductory and Continuing Training Programs***  
**264.16(a)(1)**

A description of the introductory and continuing training programs for facility personnel is in the Training Outline located in Exhibit H-1.

**H-1a**      **270.14(b)(12);**                      ***Job Title/Job Description***  
**264.16(d)(1),(d)(2)**

All employee regulatory training will be documented. The training record will include job title, job description, as well as documentation for completed training.

**H-1b**      **270.14(b)(12);**                      ***Description of How Training will be Designed to Meet Actual Job***  
**264.16(c),(d)(3)**                              ***Tasks***

**H-1d**      **270.14(b)(12);**                      ***Relevance of Training to Job Position***  
**264.16(a)(2)**

The purpose of training is to familiarize employees with environmental regulations, records, and emergency procedures so they can perform their jobs in the safest and most efficient manner possible. The program is designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems. All employees receive basic training on Hazard Awareness and the facility Contingency Plan. The level of training an employee receives is dependent upon the employee's level of involvement in hazardous waste management.

**H-1c**      **270.14(b)(12);**                      ***Training Director***  
**264.16(a)(2)**

The training program is directed by the Vice President of Training who oversees a dedicated training department that prepares training materials for use throughout the company. Training may be provided in a remote classroom, online, on-the-job or at an onsite meeting. The training is administered at each site by a combination of the Environmental Health and Safety Manager, the Health and Safety Manager, the Transportation Manager, the Branch General Manager or their designee. The designee could be an experienced onsite worker, a company professional trainer or a contract trainer. Any instructor serving as a trainer will be qualified in the hazardous waste management procedures through training and/or experience for the subject matter they are training in.

**H-1e**      **270.14(b)(12);**                      ***Training for Emergency Response***  
**264.16(a)(3)**

Every facility employee is familiar with emergency response and the role appropriate for their level of training. Example, employees may be trained to make emergency contact (phone

calls), assisting with evacuation and headcount, assisting with spill response (identifying, containing, segregating, cleaning up), or shutdown of operations (primarily ceasing to operate the drum washer/solvent dispensing equipment).

**H-2**      **270.14(b)(12);**                      ***Maintenance of Training Records/Copy of Personnel Training***  
              **264.16(b)(d)(4),(e)**                      ***Documents***

Records of current employees will be kept until facility closure. Some training documentation will be maintained electronically.

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ATTACHMENT I  
DRAFT PERMIT

**ATTACHMENT I**  
**CLOSURE PLAN AND FINANCIAL REQUIREMENTS**

## ATTACHMENT I

### CLOSURE PLAN AND FINANCIAL REQUIREMENTS

**I-1**      **270.14(b)(13)**      **Closure Plans**

#### GENERAL INFORMATION

This closure plan provides for the closure of the hazardous waste management units (HWMU) at the Safety-Kleen Chandler facility.

The hazardous waste units which require closure include:

- Tank Storage – One 12,000-gallon aboveground storage tank and concrete dike area for secondary containment and associated ancillary equipment.
- Return and Fill Station – One return and fill dock structure with secondary containment and two drum washers with a capacity of 162 gallons each, used to transfer waste parts washer solvent to the aboveground storage tank.
- Container Storage – The CSA has approximately 3,749 square feet with a total storage capacity of 17,160 gallons.

The maximum inventory of wastes based on the permitted capacities above is 29,484 gallons. S-K has developed this generalized closure plan for decontamination of the HWMUs at the site. The closure plan includes the following:

- The estimated expected year of closure and a closure schedule.
- An estimate of the maximum inventory of waste in storage at any time during the active life of the facility for development of the closure cost estimate.
- Notification procedures.
- A description of how and when the facility will be partially and/or finally closed.
- A description of decontamination procedures to be implemented during closure.
- Procedures for certification of closure activities by SK and an independent professional engineer.

**I-1a**      **270.14(b)(13);**      **Closure Performance Standard**  
**264.111**

The Chandler Service Center operates as a storage facility for hazardous wastes. The HWMUs will be closed in accordance with the closure requirements of 40 CFR 264.110 through 40 CFR 264.115. Closure of the facility will be carried out in accordance with the steps outlined in this plan and applicable Federal and State regulations. The closure cost estimate, which is based on a third party implementing closure, is included in Exhibit I-1. The closure plan and closure cost estimate, as part of the permit, will be kept on site. Hazardous wastes will be removed or

remediated from the facility to a level that is protective of human health and the environment, thereby achieving clean closure and eliminating the need for further maintenance and care. Upon completion of closure activities, the need for post-closure maintenance will be eliminated.

**I-1b**      **270.14(b)(13);**                      ***Time and Activities Required for Partial Closure and Final***  
                 **264.112(b)(1) through**                      ***Closure Activities***  
                 **264.112(b)(7)**

The HWMUs subject to closure are identified in section I-1. The units include one aboveground storage tank system, a return and fill station with two wet dumpster/drum washer and a container storage area. This closure plan identifies steps necessary to conduct facility closure, or closure of a unit (partial closure) at any point during its intended life.

### **RCRA UNIT CLOSURE ACTIVITIES**

Partial or facility closure will be implemented in accordance with this plan and any subsequent modifications. The contractor selected to implement closure will be required to prepare a health and safety plan for their personnel in accordance with applicable regulations. The health and safety plan shall be kept on-site during the closure activities.

### **ABOVEGROUND TANK AND ASSOCIATED PIPING**

The aboveground storage tank is located within a concrete secondary containment area. At facility closure or partial closure (i.e. closure of a tank unit) the following will generally be necessary to remove hazardous waste and waste residues: 1) opening of the tank and removal of wastes, 2) decontamination of the tank interior and piping, and 3) decontamination of the containment area, unless other permitted tanks remain. These procedures are briefly described below. The secondary containment area may be left in place after decontamination or removed.

### **OPENING OF THE TANK AND REMOVAL OF WASTE**

To safely open the tank and remove the waste material the following activities will be conducted:

- a) Waste material from the tank will be removed using a pump, tanker truck pump (for used solvent), vacuum truck (for heavy sludge) or similar equipment. All waste material will be transported to a permitted hazardous waste TSD for reclamation and/or disposal.
  
- b) Following removal of free-liquid wastes to the extent practicable, the aboveground waste tank's side manway will be removed, allowing access to remove residual waste and sludge from the bottom of the tank. Depending on the quantity and consistency of residual wastes, it may be removed using shovels, squeegees etc., and transferred to drums, or may be removed with a pump and stinger during tank decontamination (described below). Care must be exercised to minimize spark generation when working on the tank, including opening the manway. An effort will be made to remove as much liquid and sediment as possible.

Storage tanks are considered confined spaces (i.e. spaces open or closed having a limited means of egress in which poisonous gases or flammable vapors might accumulate or an oxygen deficiency might occur), and confined space entry requires special procedures.

Confined space entry will be conducted in accordance with 29 CFR 1910.146. Tank entry procedures will be specified in the site health and safety plan. In all cases, personnel performing closure activities must have completed 40-hour OSHA hazardous waste training requirements (29 CFR 1910.120).

Prior to entering the tank, personnel should have appropriate respiratory protective equipment and protective clothing. Once the tank has been opened, they must be provided with positive ventilation. The tank will then be inspected to determine the approximate quantity and physical conditions of any residual waste material, as well as the integrity of the tanks system.

Procedures for purging or venting tanks are described in API RP1604 "Removal and Disposal of Used Petroleum Storage Tanks" and OSHA "Permit Required Confined Spaces" (29 CFR 1910.146). The contractor will monitor vapors to ensure the tank atmosphere has combustible gas concentrations of less than 10% of the lower explosive limit (LEL).

### **TANK DECONTAMINATION PROCEDURES**

Once residual wastes are removed, the tank and piping will be decontaminated. Decontamination procedures will be generally consistent with the following:

- a) Visually inspect tank for evidence of leakage.
- b) The tank interior will be washed with a detergent-water solution and high-pressure spray. The interior may also be scraped and/or squeegeed, as needed, to remove residual waste material. Pressure washing will continue until the tank interior is visually clean, and then triple rinsed. The quantity of wash water will be kept to a minimum to reduce the amount required for treatment/disposal
- c) Disconnect and decontaminate all appurtenant piping and pumping equipment.
- d) Visually inspect appurtenant piping, equipment or underlying surfaces for evidence of leakage (i.e. staining and residue). The piping will be decontaminated with a detergent-water solution, rinsed with tap water, and either reused or removed and cut into manageable sized pieces for disposal as scrap.
- e) Remove tank, piping and appurtenant equipment for offsite reuse, disposal, or sell as scrap. The tank may also remain onsite after decontamination. Any potential value realized for salvage was not included in the closure cost estimate.
- f) Transport and dispose of all waste material generated during the project.
- g) If the tank and piping will be processed as scrap metal following decontamination [i.e. the decontaminated structures no longer meet the definition of solid or hazardous waste in 40 CFR 261], rinsate sampling will not be required. Any potential value realized for salvage was not included in the closure cost estimate.

### **REMOVAL OF THE TANK**

Following removal of wastes and decontamination activities, the tank may remain onsite, be removed and transported to an offsite location, or scrapped. If the tank is to be transported offsite or scrapped, the following procedures will be observed to safely remove the tanks:

- a) Disconnect appurtenant piping.
- b) Disconnect appurtenant pumping equipment.
- c) If the tank is to be scrapped, the tanks and associated equipment will be removed and recycled in accordance with 40 CFR 261.1(c)(6) and (7). Verification of destruction will be provided by the contractor or scrap metal facility.
- d) If the tank is to be reused (either remaining onsite or transported offsite) following decontamination, the final rinsate from the metal structure will be sampled. The rinsate sample will be analyzed for VOCs, SVOCs, and metals. Rinsate sampling results will be compared to Maximum Contaminant Levels (MCLs) for drinking water to evaluate the effectiveness of decontamination.

### **DECONTAMINATION OF THE TANK CONTAINMENT AREA**

At the time of facility closure, the tank containment area will be inspected and decontaminated in accordance with the following general procedures. Unless otherwise specified, the decontaminated containment structure will be left in place at the time of closure.

- a) The tank containment area dike and slab area will be inspected by an independent Professional Engineer for the presence of cracks, fissures, missing seals, etc. If visible cracks or gaps in the containment are found during inspection, they shall be sealed prior to commencement of cleaning to prevent migration of rinsate outside of the containment area. In addition, if unsealed cracks are fully penetrating, the underlying soil will be sampled during closure as described below.
- b) The containment dike will be washed using a non-phosphate detergent/water solution and high-pressure spray. Prior to pressure washing, the containment area surfaces will be sprayed with a non-phosphate detergent/water solution and scrubbed with a stiff-bristle broom. Areas with staining or scale will be scrubbed and/or scraped to remove residue to the extent practicable. A pressure washer unit will be used to perform the final decontamination activities. Following the final wash, the area will be triple rinsed with tap water.
- c) The containment area will be visually inspected following decontamination. Areas noted with staining or residue will be rewashed as appropriate. A sample of the final rinsate will be collected and analyzed for similar constituents as for the tank system, described above. The results of the rinsate analysis will be used to verify effective decontamination of the containment area. Decontamination will be considered adequate if the levels of any detected constituents meet screening levels for commercial exposure. If the results exceed these criteria, the certifying engineer will evaluate appropriate steps to verify that hazardous wastes and waste residues have effectively been removed.
- d) The decontamination wash water, generated during decontamination, will either be managed as a hazardous waste and transported for treatment/disposal at an appropriately permitted TSD or characterized as non-hazardous waste and treated or disposed in accordance with applicable regulations as required.

e) Soil samples will be collected if necessary; based on the engineer's inspection. If collected, soil samples will be analyzed in accordance with applicable requirements, and as described below in the sampling plan.

f) As an alternative to leaving the containment in place, the decontaminated concrete containment structure may be demolished and transported offsite for recycling or disposal. The area may be backfilled and graded as necessary to match surrounding elevation.

### **SOLVENT RETURN AND FILL STATION**

The two drum washer units are housed within the return and fill area and are used to collect and return the used parts washer solvents to the waste storage tank via piping from the drum washer to the waste tank. The containment trench provides secondary containment to the drum washer. At the time of final facility closure or partial closure the following steps will be conducted:

a) The sediment in the drum washers, if any, will be removed and containerized, labeled, and manifested as a hazardous waste and transported to a permitted hazardous waste TSDF.

b) The drum washers, dock area, containment trench and warehouse floor will be washed with a detergent solution and rinsed using similar procedures as described above for the waste storage tank and ancillary equipment.

c) Visible cracks or gaps in the containment (if present) shall be sealed prior to commencement of cleaning to prevent migration of rinsate outside of the containment area.

d) Following decontamination, the drum washers and return/fill components will be visually inspected. Areas noted with staining or residue will be rewashed as appropriate. The clean drum washer units and dock structure may remain onsite or it may be scrapped. If the return and fill dock structure or dumpster/drum washers remains onsite, a sample will be collected of the final rinsate from the metal structure to verify effectiveness of the decontamination. The rinsate sample(s) will be analyzed for similar constituents as described above for the tank system. If the return and fill station and/or components will be scrapped during closure, rinsate samples will not be collected. The decontamination wash/rinsate water may be discharged through the appurtenant piping system into the storage tank, which will be subjected to a separate closure procedure as described above or containerized in an appropriate storage device. The wash/rinse water will be managed as a hazardous waste and treated or disposed of at a permitted TSDF or characterized as non-hazardous waste and treated or disposed in accordance with applicable regulations.

e) The secondary containment at the return and fill will be decontaminated using procedures consistent with those described for the tank containment area. The concrete floor will be decontaminated using procedures similar to the Container Storage Area in the main section of the warehouse.

f) Following decontamination, the containment will be inspected by an independent Professional Engineer for the presence of cracks, fissures, missing seals, etc. If a breach in the

steel containment pan(s) is observed that may have allowed a release, the Professional Engineer will inspect the underlying concrete pad for the presence of cracks, fissures, missing seals, staining, etc. If fully penetrating cracks are present, the underlying soil will be sampled during closure as described below.

### **CONTAINER STORAGE AREA**

The container storage area is used to store/accumulate containers of used materials (e.g. used parts washer solvent, used immersion cleaner, paint waste, dry cleaning waste, tank or drum washer sediment, or other non-regulated wastes or products). At the time of facility closure or partial closure of the container storage area, waste inventory will be removed and transported under manifest to a permitted hazardous waste TSDF. The contents of the drums will be treated or disposed of at a permitted TSDF.

At the time of facility closure or partial closure, the following steps will be conducted:

- a) The concrete floor, containment trenches and grating will be high pressure cleaned with a detergent-water solution and triple rinsed with tap water. The container storage area will be visually inspected following decontamination. Areas noted with staining or residue will be rewashed as appropriate. The wash/rinse water will be managed as a hazardous waste and treated or disposed of at a permitted TSDF.
- b) Since the container storage area floor has an impervious epoxy coating, a sample of the final rinsate will be collected and analyzed for VOCs, SVOCs, and metals to verify decontamination as described above.
- c) The rinsate sample results will be used to verify the effectiveness of decontamination. Decontamination of the concrete will be repeated as necessary, until the clean levels have been met.
- d) Following decontamination of the container storage area, the floor, curbing, and containment trenches will be inspected by an independent registered Professional Engineer. If the independent Professional Engineer determines that the unsealed cracks are fully penetrating, the underlying soil will be sampled during closure as described below.

The rinsate samples will be collected under the supervision of the certifying engineer to ensure that the sample is representative of the decontaminated surface. Typically, this is performed by pouring water from the final rinse across the surface and collecting in sample containers. For containment areas, water is generally directed to a low point in the containment, such as a sump, which facilitates sample collection. For the tank and drum washer, rinse water is typically accumulated in the bottom of the unit. Rinse water is then transferred to sample containers

**I-1c**      **270.14(b)(13);**                      **Maximum Waste Inventory**  
              **264.112(b)(3)**

The maximum inventory of wastes based on the permitted capacities above is 29,484 gallons.

<b>I-1d</b>	<b>270.14(b)(13); 264.112(b)(6)</b>	<b>Schedule for Closure</b>
<b>I-1d(1)</b>	<b>270.14(b)(13); 264.112(b)(2); 264.113(a) and (b)</b>	<b>Time Allowed for Closure</b>

Within 90 days of receiving the final volume of hazardous wastes, Safety-Kleen will remove all hazardous wastes from the site in accordance with the approved closure plan. The Arizona Department of Environmental Quality may approve a longer period if Safety-Kleen demonstrates that the activities required to comply with this paragraph will, of necessity, take longer than 90 days to complete or the following requirements are met:

- a. the facility has the capacity to receive additional wastes;
- b. there is a likelihood that Safety-Kleen or a person other than Safety-Kleen will recommence operation of the site; and/or
- c. closure of the facility is incompatible with continued operation of the site. In this case, Safety-Kleen will take all steps necessary to prevent threats to human health and the environment.

A timeline for the closure schedule is included as Exhibit I-2.

Safety-Kleen will complete closure activities in accordance with the approved closure plan and within 180 days after receiving the final volume of wastes or upon ADEQ approval of the closure plan and procedures, whichever is later.

<b>I-1d(1)(a)</b>	<b>270.14(b)(13); 264.113(a) and (b)</b>	<b>Extension for Closure Time</b>
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Safety-Kleen will complete the closure activities in accordance with the approved closure plan and within 180 days after receiving the final volume of wastes. Safety-Kleen may petition the ADEQ for an extension to the closure period to ensure that the facility has achieved clean closure levels that are protective of human health and the environment.

<b>I-1e</b>	<b>270.14(b)(13); 264.112; 264.114</b>	<b>Closure Procedures</b>
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<b>I-1e(1)</b>	<b>270.14(b)(13); 264.112(b)(3)</b>	<b>Inventory Removal</b>
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In the first 90 days, once closure is initiated, all current inventories will be removed from the site. As described in section 1-1b any waste containers remaining in CSA will be removed and transported under manifest to a permitted hazardous waste TSD. The contents of the drums will be treated or disposed of at a permitted TSD. Any sediment or solvent in the Return and Fill will be containerized similarly shipped to a permitted TSD or pumped into the waste solvent tank. The remaining solvent and any sediment in the waste solvent tank will be removed and transported under manifest in containers or a bulk tanker to a permitted hazardous waste TSD. Closure costs for these activities are based on use of a third party vendor.

**I-1e(2) 270.14(b)(13);  
264.112(b)(4);  
264.114**

***Disposal or Decontamination of Equipment, Structure,  
and Soils***

### **DECONTAMINATION OF CLEANUP EQUIPMENT**

Equipment used during decontamination activities will be cleaned along with and within the respective secondary containment structure. Therefore the anticipated amount of wash water to decontaminate equipment was included in the estimated quantity generated for each unit. Small consumable equipment (e.g. mops, rags, disposable PPE, etc.), which cannot be cleaned will be containerized, managed as a hazardous waste and disposed of at a permitted TSDF, or characterized as non-hazardous waste and treated or disposed in accordance with applicable regulations.

SK does not anticipate that heavy equipment, such as cranes and backhoes, will come into contact with hazardous wastes. For example, a crane may be used to remove the storage tank, but only after the tank has been decontaminated. Therefore, an equipment decontamination area should not be necessary during closure. However, if necessary, heavy equipment will be cleaned by scraping, brushing and/or using a pressure washer with a non-phosphate detergent/water solution with tap water rinse. The wash/rinse water will be containerized and managed as a hazardous waste and disposed of at a permitted TSDF or characterized as non-hazardous waste and treated or disposed in accordance with applicable regulations.

### **Soil Sampling**

If the results of the inspections conducted at closure for the HWMU's described above indicate lapses of integrity may exist in the secondary containment system(s) that may have allowed the potential for waste to migrate to underlying soils, soil samples will be collected. If lapses of integrity are found that may have allowed wastes to migrate to underlying soils, soil samples will be collected as recommended by the certifying Professional Engineer along the length of an identified crack or gap. Note that for the purposes of the closure cost estimate, 8 soil samples were included in the estimate from beneath the tank containment area, 4 soil samples from beneath the return/fill containment, and 8 soil samples from beneath the container storage area. See Exhibit I-5 for sampling locations.

If potential lapses of integrity are noted during the inspection of a concrete containment structure, a coring device will be used to allow collection of a sample from beneath the concrete surface. If the tank secondary containment area is removed, soil samples will be collected from areas that exhibit waste-related staining, if present.

Soil samples will be collected from native soil beneath the concrete and/or any gravel sub-base using an appropriate method of sample collection (e.g. core sampler, auger, etc.). A clean sampling device will be used to obtain the soil. The soil-filled sampler will be extracted so that soil can be directly transferred to appropriate sample containers supplied by the laboratory for the specific analysis being conducted. The laboratory will be advised of the required analysis prior to closure to ensure that the appropriate sample containers will be provided for the requested analyses. Soil samples, as well as field and equipment blanks, field duplicates, whether

preservative is required for any sample containers, and analytical hold-times will be in accordance with EPA procedures for the specified analyses.

The samples will be placed on ice in a sample cooler and shipped under chain-of-custody protocol to a laboratory for analysis. Soil samples submitted for analysis will be delivered to an Arizona-certified laboratory for analysis using appropriate EPA analytical protocol, and analyzed for compounds representative of the wastes that were permitted for storage in the unit (VOCs, SVOCs, and metals). Analytical results from soil sampling will be forwarded to ADEQ in the closure documentation report.

If constituents are detected, the concentrations may be compared to appropriate risk-based clean-up levels to determine whether clean closure has been achieved and the HWMU's meet the closure performance standard. If constituents are detected at concentrations above appropriate risk-based cleanup levels, Safety-Kleen will prepare a closure plan amendment(s) that describes procedures for additional assessment and/or remediation that may be necessary to achieve clean closure.

***I-1e(3)            270.14(b)(13);            Closure of Disposal Units/Contingent Closures***

***I-1e(3)(h)            Thru  
270.14(b)(13);            Freeze/Thaw Effects  
264.228(a)(2)  
(iii); 264.310(a)***

Sections I-1e(3) thru I-1e(3)(h), Closure of Disposal Units, does not apply to the Safety-Kleen Chandler facility as it does not have a Surface Impoundment or Landfill.

***I-1e(4)            270.14(b)(13);            Closure of Containers  
264.178;  
264.112(b)(3)***

At time of closure all hazardous waste and hazardous waste residues will be removed from the containment system. Remaining containers, liners, bases, and soil containing or contaminated with hazardous waste or hazardous waste residues will be decontaminated or removed as described above in section I.

***I-1e(5)            270.14(b)(13);            Closure of Tanks  
264.197;264.112(b)(3)***

At closure of a tank system, Safety-Kleen will remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated soils, and structure and equipment contaminated with waste, and manage them as hazardous waste, unless 40 CFR 261.3(d) applies. The closure plan, closure activities, cost estimates for closure, and financial responsibility for tank systems will meet all of the requirements specified in 40 CFR 264 subparts G and H and are described elsewhere in this section.

While Safety-Kleen has every expectation of a clean closure, if we find that not all contaminated

soils can be practicably removed or decontaminated as required in the prior paragraph, then Safety-Kleen will close the tank system and perform post-closure care in accordance with the closure and post-closure care requirements that apply to landfills (40 CFR 264.310). In addition, for the purposes of closure, post-closure, and financial responsibility, such a tank system is then considered to be a landfill, and the Safety-Kleen will meet all of the requirements for landfills specified in 40 CFR 264 subparts G and H.

- |                 |  |   |
|-----------------|--|---|
| <b>I-1e(6)</b>  | <b>270.14(b)(13);<br/>270.18(h);<br/>264.258</b> | <b>Closure of Waste Piles</b>           |
| <b>I-1e(13)</b> | <b>Thru<br/>270.14(b)(13);<br/>264.1102</b>      | <b>Closure of Containment Buildings</b> |

Sections I-1e(6) thru I-1e(13) do not apply to the Safety-Kleen Chandler facility as it does not have a Waste Pile, Surface Impoundment, Incinerator, Landfill, Land Treatment Unit, Boiler or Industrial Furnaces, Miscellaneous Unit or Containment Buildings.

- |             |  |                             |
|-------------|--|-----------------------------|
| <b>I-2</b>  | <b>270.14(b)(13);</b>                            | <b>Post-Closure Plans</b>   |
| <b>I-2g</b> | <b>Thru<br/>270.14(b)(13);<br/>264.118(b)(3)</b> | <b>Post-Closure Contact</b> |

Sections I-2 thru 12g on Post-Closure Plans do not apply to the Safety-Kleen Chandler facility as it expects to clean close the sites. Any spills that occur on the site are cleaned up immediately.

- |             |  |                                 |
|-------------|--|---------------------------------|
| <b>I-3a</b> | <b>270.14(b)(13);<br/>264.115;<br/>264.280</b> | <b>Certification of Closure</b> |
|-------------|--|---------------------------------|

When closure activities are completed, Safety-Kleen shall submit to the Arizona Department of Environmental Quality certification, both by the operator and a qualified independent registered professional engineer, that the facility has been closed in accordance with the approved closure plan. The closure certification will be presented in a Closure Certification Report, which will be prepared in accordance with applicable portions of 40 CFR 264.115. Information contained in the closure report will include a brief site history, site plan, closure field notes, documentation of decontamination procedures, photo-documentation, soil sampling locations (if required), laboratory analytical reports, tabular summaries of analytical results, volumes of wastes removed, copies of waste manifests, etc. Any deviations from the approved closure plan will also be documented in the report. The Closure Certification Report will be submitted within 60 days of completion of the closure activities.

- |             |                                   |                                   |
|-------------|-----------------------------------|-----------------------------------|
| <b>I-3b</b> | <b>270.14(b)(13);<br/>264.116</b> | <b>Survey Plat</b>                |
| <b>I-3c</b> | <b>270.14(b)(13);<br/>264.120</b> | <b>Post-Closure Certification</b> |

**I-3d**                    **270.14(b)(13);**                    **Post-Closure Notices**  
**270.14(b)(14);**  
**264.119**

Sections I-3b thru I-3d Survey Plats of land disposal units and Post-Closure do not apply to the Safety-Kleen Chandler facility as it has no land disposal units and expects to clean close the site.

**I-4**                    **270.14(b)(15);**                    **Closure Cost Estimate**  
**264.142**

The most recent detailed written closure cost estimate in current dollars for closing the facility in accordance with the approved closure plan. The Closure Cost Estimate Worksheet is included as Exhibit I-1. Estimate is based on third party closing facility. Estimate is adjusted for annual inflation as stated in 40 CFR 264.142(b). Estimates do not assume zero cost for hazardous waste handling, and do not incorporate salvage value, facility structures/equipment, land, or other facility assets as offsets. The costs on this worksheet are derived using US EPA's Cost Pro cost estimating tool. Inflation updates from the 2009 rates provided in Cost Pro to 2015 have also been included.

**I-5**                    **270.14(b)(15);**                    **Financial Assurance for Closure**  
**264.143;**  
**264.151**

The facility has established financial assurance that covers the closure cost estimate. The closure cost estimate is adjusted annually to reflect inflation, in accordance with and as required by and detailed in 40 CFR 264.142(b) and (c). Safety-Kleen maintains an insurance certificate for closure, as included in Exhibit I-3. This will be updated to the new amount in the Part B after approved by ADEQ.

**I-5a**                    **270.14(b)(15);**                    **Closure Trust Fund**  
**264.143(a);**  
**264.151(a)(1)**

**I-5g**                    **Thru**  
**270.14(b)(15);**                    **Use of Multiple Financial Mechanism for Multiple Facilities**  
**264.143(h)**

The facility does not have an alternative financial mechanism such as a trust fund as noted in section 1-5a to 1-5g. Therefore, this section does not apply.

**I-6**                    **270.14(b)(16);**                    **Post-Closure Cost Estimate**  
**264.144**

As the facility expects a clean closure the Post-Closure Cost estimate does not apply.

**I-7**                    **270.14(b)(16);**                    **Financial Assurance Mechanism for Post Closure Care**  
**264.145;**  
**264.151**

**I-7g**                    **Thru**  
**270.14(b)(16);**                    **Use of Multiple Financial Mechanism for Multiple Facilities**  
**264.145(h)**

As the facility expects a clean closure, the section I-7 to I-7g; Financial Assurance Mechanism for Post-Closure care, do not apply.

**I-8**                    **270.14(b)(17);**                    **Liability Requirements**  
**264.147**

**I-8a**                    **270.14(b)(17);**                    **Coverage for Sudden Accidental Occurrences**  
**264.147(a)**

Coverage for sudden accidental occurrences of at least \$1 million per occurrence with annual aggregate of at least \$2 million is maintained. A copy of the Hazardous Waste Facility Certificate of Liability Insurance is included in Exhibit I-4.

**I-8a(1)**                    **270.14(b)(17);**                    **Endorsement of Certification**  
**264.147(a)(1)**

Safety-Kleen's original Hazardous Waste Facility Liability Certificate of Liability wording is identical 264.151(j). Each insurance policy is issued by an insurer which, at a minimum, is licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more States.

**I-8a(2)**                    **270.14(b)(17);**                    **Financial Test and Corporate Guarantee for Liability Coverage**  
**264.147(a)(2), (f),**  
**(g);264.151(f),(g)**

The facility does not use a Corporate Guarantee for liability coverage. Therefore, this section does not apply.

**I-8a(3)**                    **270.14(b)(17);**                    **Use of Multiple Financial Mechanism**  
**264.147(a)(3)**

The facility does not use Multiple Financial Mechanism for liability coverage. Therefore, this section does not apply.

**I-8b**                    **270.14(b)(17);**                    **Coverage for Nonsudden Accidental Occurrences**  
**264.147(b)**

Safety-Kleen Chandler does not meet the definition of a high risk storage facilities, surface impoundments, land disposal, land treatment facilities. Therefore the insurance requirements under this section do not apply.

**ATTACHMENT J**

**[NOT USED]**

SAFETY-KLEEN CHANDLER  
EPA ID NO. AZD981969504  
ATTACHMENT K  
DRAFT PERMIT

**ATTACHMENT K**

**[NOT USED]**

**ATTACHMENT L**

**[NOT USED]**

SAFETY-KLEEN CHANDLER  
EPA ID NO. AZD981969504  
ATTACHMENT M  
DRAFT PERMIT

**ATTACHMENT M**

**[NOT USED]**

SAFETY-KLEEN CHANDLER  
EPA ID NO. AZD981969504  
ATTACHMENT N  
DRAFT PERMIT

**ATTACHMENT N**  
**SUBPART BB EQUIPMENT LEAKS**



**N-3a, N-3b** 270.25(d); **Compressors in Light Liquid Service**  
**N-3c, N-3d** 264.1053(b),(i)  
**N-3e, N-3f,**  
**N-3g,**

There are no compressors in light liquid service. Therefore, these sections do not apply.

**N-4a** 270.25(d); 264.1054(a),(c) **Pressure Relief Devices in Gas/Vapor Light Liquid Service**  
**N-4b**  
**N-4c**

There are no pressure relief devices in light liquid service. Therefore, these sections do not apply.

**N-5a** 270.25(d); 264.1055(a-b); **Sampling Connection Systems in Light Liquid Service**  
**N-5b**

There are no sampling connection systems in light liquid service. Therefore, these sections do not apply.

**N-6a** 270.25(d); 264.1056(a-c); **Open-ended Valves or Lines**  
**N-6b**

There are no open-ended valves or lines in light liquid service. Therefore, these sections do not apply.

**N-7** 270.25(d); 264.1057(a-h); **Valves in Gas/Vapor Service or in Light Liquid Service**  
**N-7d**

There are no valves in gas/vapor service or in light liquid service. Therefore, these sections do not apply

**N-8a-b** 270.25(d); 264.1058(a); **Monitoring and Leak Detection**  
264.1063(b)

Compliance with the standard will be achieved through facility inspections. These inspections will be conducted each operating day, typically Monday through Friday. An example inspection form is included in Exhibit N-5. Inspection may be stored electronically. Whether in electronic or written form, required inspections will be maintained for at least three years.

Because the spent parts washer solvent is a heavy liquid, a photo ionizer type instrument will not detect leaks at 10,000 ppm. A leak will be observed based on visual, audible, or olfactory inspection. Records of equipment monitoring and repair are maintained in the operating record. Equipment in question will be tagged with the identification number, date of potential or actual leak, and date of leak confirmation. After a valve has been repaired, it will be visually monitored as part of the daily facility inspection. After two successive months with no leak detection, the identification tag may be removed. For other equipment, such as pumps, the tag may be removed after a successful repair. An example leak detection and repair record is in

**N-8c**      **270.25(d); 264.1058(c);**      **Leak Repair as Soon as Practicable**  
**264.1059**

Any leak or potential leak must be repaired as soon as practicable, but at least within 15 days, with the first attempt at repair made no later than 5 days after the leak is detected. The Environmental Compliance Manager will be contacted immediately to arrange for the equipment to be monitored (if required). The piece of equipment in question must be tagged with the identification number, date of potential or actual leak, and date of leak confirmation.

**N-8d**      **270.25(d); 264.1058(e);**      **Any Connector that is Inaccessible or is Ceramic-Lined**

Due to the difficult location of the Subpart BB tag for the long bolted emergency pressure relief vent (top manhole) at the top of the tank, daily inspections are not possible. Therefore, this tagged fitting will be inspected in conjunction with the annual Subpart CC inspection. This inspection includes assessing the fitting for potential leaks, actual leaks, sticking, wear, and unusual odors.

**N-9**      **270.25(d); 264.1059**      **Specific Allowances for Delay of Repair for Various Types of Equipment**

It is not anticipated delay of repair would occur at the facility. If repairs cannot be made as described in N-8c above, notification will be made to ADEQ.

**N-10, N-11,**      **270.25(e); 264.1033**      **Subpart AA**  
**N-12**      **264.1060, 264.1061,**      **Alternative Monitoring Programs**  
**264.1062**      **Alternative Work Practice**

These sections do not apply.

**N-13**      **270.25(a); 264.1064**      **Recordkeeping Requirements**

Leak detection monitoring and repair records are maintained. Records of equipment monitoring and repair are maintained on an inspection form in the operating records. This leak detection and repair record will be kept on file at the facility.

**N-13a**      **270.25(a);**      **Semiannual Report**  
**N-13b**      **270.25(b)**      **Implementation Schedule**  
**N-13c**      **270.25(c)**      **Performance Test Plan**

These sections do not apply.

SAFETY-KLEEN CHANDLER  
EPA ID NO. AZD981969504  
ATTACHMENT O  
DRAFT PERMIT

**ATTACHMENT O**  
**SUBPART CC AIR EMISSION STANDARDS**

**ATTACHMENT O**  
**SUBPART CC AIR EMISSION**  
**STANDARDS**

**O-1**      **270.14(a); 270.27**      ***Standards that Apply to All Facilities That Treat, Store, or Dispose***  
**264.1080(a)-(d)**      ***of Hazardous Waste in Tanks, Surface Impoundments, or***  
***Containers***

The Safety-Kleen Chandler, Arizona facility shall control air pollutant emissions from waste management units at this facility pursuant to the requirements of RCRA Subpart CC through implementation of this compliance program.

The plan describes this facility's waste determination procedures, tanks and container design/management practices, organic emission controls, inspection and monitoring, and recordkeeping and reporting, pursuant to standards promulgated under RCRA Subpart CC.

**O-2**      **270.14(a); 270.27**      ***List of Units Exempt from the 264.108-264.1087 Standards***  
**264.1082(c)**

There is no tank, surface impoundment, or container exempt from Subpart CC standards. Therefore, this section does not apply.

**O-2a**      **270.14(a); 270.27**      ***Waste Determination Procedures***  
**O-2b**      **264.1082(c)-(1)**

For purposes of waste determination, this facility utilizes knowledge developed in the Waste Characteristics portion of the site's hazardous waste permit. On an annual basis, the waste streams are re-characterized by collecting small retain samples of each waste stream shipment arriving at a Safety-Kleen Recycle Center for a period of several weeks. Analyses are performed on composite samples, including flash, point pH, specific gravity, and TCLP- metals, volatiles, and semi-volatiles. Other analyses are performed throughout the year as necessary. In addition, the facility may use knowledge of the waste based on information included in manifests, shipping papers, or waste certification notices to confirm waste determination for the generator or the ultimate receiving facility. For those hazardous wastes which are managed on a transfer basis, and are not described in the Operation Plan/Permit, the Subpart CC regulation does not apply.

Based upon this knowledge, it has been determined that all wastes managed in tanks or containers at this facility may contain an average volatile organic concentration of greater than 500 ppmw at the point of waste generation. Therefore, all hazardous wastes managed in tanks or containers at this facility shall be managed in accordance with the applicable Subpart CC standards. Under such a management scenario, no direct measurements will be conducted.

This is consistent with 40 CFR 265.1084(a)(1).

The point of waste origination for all wastes generated from off-site sources and transported



1 controls. The vapor pressure of the waste in the tank will fluctuate on a periodic basis due to the cyclic generation of hazardous waste streams by off-site generators. The maximum vapor pressure in the hazardous waste tank will not exceed the applicable Level 1 threshold.

**O-5a(2)** 270.14(a); 270.27  
264.1084(b)(1)(ii) **Not be Heated to Temperature Greater than Temperature at Which Maximum Organic Vapor Pressure of Waste is Determined**

The hazardous waste in the tank is not heated. Therefore, this section does not apply.

**O-5a(4)** 270.14(a); 270.27  
264.1084(b)(1)(iii) **Not be Treated Using a Waste Stabilization Process**

The hazardous waste in the tank is not treated using a waste stabilization process. Therefore, this section does not apply.

**O-5b** 270.14(a); 270.27  
264.1084(c)(1) **Maximum Organic Vapor Pressure Determination**

Safety-Kleen will manage organic wastes at the Service Center in the spent mineral spirits storage tank. The waste tank will manage hazardous waste with 500 ppmw greater VO concentration. The waste in this tank exhibits a vapor pressure of less than 5.2 kPa (.75 psia). The measured vapor pressure of the waste managed in the tank is =0.2mm/Hg. The maximum organic vapor pressure is determined using knowledge of the waste pursuant to 265.1084(c)(4). Therefore, this tank is subject to Level 1 controls. While there are other storage tanks at the facility, they are not used to store hazardous waste and therefore are exempt from regulation under Subpart CC.

**O-5b(1)** 270.14(a); 270.27  
264.1084(c)(2),(3) **Owner/Operator Shall Equip Tanks with Fixed Roof and Closure Devices as Needed**

The waste storage tank is a fixed roof tank. There are no visible open spaces between roof section joints or between interface of roof edge and tank wall. All tanks at the Service Center are designed so that all opening covers can be closed with no visible gaps, holes, cracks, or other open spaces into the interior of the tank.

**O-5b(2)(i)** 270.14(a); 270.27 **Level 2 Tank Requirements**  
**O-5b(2)(ii)** 264.1084(d)(1)(2),(3)  
**O-5b(3)**  
**O-5c**  
**O-5d**

The waste storage tank is not a Level 2 Tank. Therefore, these sections do not apply.

**O-5e** 270.14(a); 270.27  
264.1084(c)(1),(3) **Tank Level 1 Owner/Operator Shall:**

**O-5e(1)** 270.14(a); 270.27  
264.1084(c)(1) **Determine Maximum Organic Vapor**

The maximum VO concentration has been determined pursuant to 264.1083(c) procedures.

Reference O-5b above.

**O-5e(2) 270.14(a); 270.27  
264.1084(c)(3) Owner/Operator Shall Equip Tanks with Fixed Roof and Closure  
Devices as Needed**

The waste storage tank is a non-pressurized aboveground storage tank. It is constructed with a fixed roof and is 10'6" in diameter, with a height of 18' plus the dome on either end. The tank has a 12,000 gallon storage capacity. The tank is constructed of 3/16" thick (1/4" thick in the lower third of the tank) carbon steel. The tank is constructed in accordance with Underwriters Laboratories Standard 142.

All of the tanks present at this Service Center are designed so that all opening covers can be closed with no visible gaps, holes, cracks, or other open spaces into the interior of the tank. The cover and all cover openings operate with no detectable emissions when in a closed position. Cover openings are maintained in a closed position at all times except when waste is being added to or removed from the tanks, or when necessary sampling or repair/maintenance is performed on the tanks.

The tanks are vented to the atmosphere through a safety device (pressure vacuum vent) which has been designed to operate with no detectable organic emissions when the device in the closed position. These tanks have a pressure vacuum. In addition, these tanks are designed with a long-bolted manway pressure relief device which remains in the closed position when not in use to relieve pressure.

**O-5e(3) 270.14(a); 270.27  
264.1084(c)(4) Inspect the Air Emission Control Equipment**

Visual inspection [as required per 40 CFR 264.1084(c)(4)] of the tank closure devices will be conducted on an annual basis and recorded using the example inspection form in Exhibit O-1. The intent of the inspection is to check for defects that could result in air pollution emissions (cracks, gaps, and gaskets, damaged closure devices, etc.). Included in the inspection is the verification that the long bolts are properly attached, with enough free length in the bolt, so the nut does not impede the manhole from lifting should the tank become pressurized. Typically a 1 1/2 inches of free play is expected. Should a long bolt have been replaced, in error, by a shorter bolt and snugged down it would need to be replaced immediately. In addition, a visual inspection of the gasket between the manhole and the manhole cover is made to verify it is intact. Inspections may be recorded electronically.

**O-5f, O-5f(1), 270.14(a); 270.27 Tank Level 2 Requirements  
O-5f(2), O-5f(3) 264.1084(e)  
N-5f(4), O-5f(6)**

The waste storage tank is not a Level 2 Tank. Therefore, these sections do not apply.

**O-6 270.14(a); 270.27 Standards: Surface Impoundments  
through 264.1085  
O-7**

The facility does not operate a surface impoundment. Therefore, these sections do not apply.

**O-8a 270.14(a); 270.27 Container Level 1 Standards**  
**O-8a(1) 264.1086(b)(1)(i)**  
**O-8a(2) 264.1086(b)(1)(ii)**

Containers managing hazardous wastes generally fall into three categories.

1. Hazardous waste containers less than 26 gallons in capacity are wholly exempt from regulation on Subpart CC. Containers of hazardous wastes that are transferred through the facility are “still in the course of transportation” and therefore are exempt from Subpart CC.
2. Containers with capacities between 26 gallons and 122 gallons are all Level 1 containers. The Level 1 containers have covers that are designed with no gaps, holes, cracks, or other open spaces into the container. In addition, all containers used to handle hazardous waste meet U.S. DOT Performance Oriented Packaging Standards.
3. Containers with capacities greater than 122 gallons that manage hazardous wastes at this facility are not in light service and are Level 1 covered containers designed and operated with no gaps, holes, cracks, or other open spaces into the container.

Provided below is a summary table of the criteria applicable for a container to be identified and managed as a Level 1 container.

<b>Level</b>	<b>Volume</b>	<b>Usage</b>	<b>Requirements</b>
Level 1	<25 gallons but ≤ 119 gallons Or >119 gallons	Any hazardous waste not “in light material service”	Meet DOT Specs or is a lab pack -Keep closed except when adding or removing waste -Safety relief devices -Minimize exposure of waste when transferring -Remediate defective containers within 5 days, initiate within 24 hours

A hazardous waste is a “light material” if it (1) contains at least one organic constituent with a vapor pressure above 0.3 (kPa) at 20°C, and (2) has a total concentration of such constituents of 20% or greater by weight. This definition will generally apply to all hazardous waste received at the facility in non-bulk containers.

Level 1 containers typically received and managed by this facility include, but are not limited to 5 gallon, 15 gallon, 30 gallon, 55 gallon, and 250 gallon containers. These containers typically meet applicable U.S. DOT specifications and/or authorizations. Therefore, these containers are acceptable for use in accordance with Level 1 controls. Containers greater than 26 gallons managing site-generated hazardous waste will be visually inspected upon their initial filling and within one year if the container is not completely emptied of its

contents.

### Inspections

Hazardous Waste Received from Off-Site – All hazardous waste received from offsite sources are received in containers. All Level 1 containers managing hazardous waste subject to Subpart CC received from off-site sources that will not be completely emptied within 24 hours of receipt will be inspected to ensure that all applicable covers and closure devices are closed. This inspection already occurs as part of the facility inspection. Therefore, compliance with the inspection requirements of Subpart CC is incorporated in the facility inspection plan by this reference. Defective containers will be remediated within 24 hours of observation, and initial remediation will be attempted within 12 hours of observation.

On-Site Generated Hazardous Waste – Containers greater than 26 gallons will be visually inspected upon their initial filling to ensure that all openings are properly closed and/or covered. Satellite accumulation containers managed in accordance with 40 CFR 262.34(c)(1) are not subject to Subpart CC requirements.

### Monitoring

Containers Managing Off-Site hazardous Waste – Level 1 containers managed at the Service Center are not subject to monitoring for no detectable emissions (NDE). Therefore, no monitoring for NDE will be conducted on such containers. However, they will be closed when not involved in transfer activities.

### Transferring Hazardous Waste

Container To Container – This type of transfer will typically be done at the Service Center when it is necessary to remove waste from a damaged container to a non-damaged container that will provide containment for the waste, or to place the entire container into a larger container. An example would be placing a 55 gallon container into an 85 gallon salvage drum. This may occur for both liquid and solid wastes. Only container openings that are necessary to add or remove waste from each container will be open during the transfer. This activity will be conducted in accordance with 40 CFR 265.1087(c)(3)(ii) for Level 1 containers.

Container To Tank – This type of transfer involving liquids will be done regularly for Level 1 containers. Following is an explanation of this activity.

Spent mineral spirits from parts washers is accumulated in a 12,000 gallon aboveground storage tank via the Return and Fill station. Typically, 5-, 16-, 30-, and 55-gallon containers are poured into the dumpster in the return and fill station, and the material in the dumpster is pumped into the spent solvent storage tank.

**O-8b**      **270.14(a); 270.27**                      **Container Level 2 Standards**  
                 **264.1086(b)(1)(iii)**

The facility does not manage Level 2 containers. Therefore, this section does not apply.

**O-8c**      **270.14(a); 270.27**                      **264.1086(b)(2)**



SAFETY-KLEEN CHANDLER  
EPA ID NO. AZD981969504  
ATTACHMENT P  
DRAFT PERMIT

**ATTACHMENT P**  
**MANIFEST SYSTEM, RECORDKEEPING AND REPORTING**

## ATTACHMENT P

### MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

#### **P-1 Manifest Submittals and Reports**

When Safety-Kleen generates waste for off-site shipments, one copy of the manifest which includes the transporter and TSDF signature will be submitted to ADEQ no later than thirty (45) days following the end of the month of the shipment (A.A.C. R18-8-262.I.1).

If a signed TSDF copy is not available, Safety-Kleen shall submit an Exception Report in compliance with 262.42 (A.A.C. R18-8-262.I.1).

Where Safety-Kleen is the transporter a copy of the manifest will be submitted to ADEQ no later than thirty (30) days following the end of the month of the shipment, unless such hazardous waste shipment originated outside of the state of Arizona.

When Safety-Kleen terminates waste from a generator at the Chandler Service Center a signed copy of the manifest will be submitted to ADEQ no later than thirty (30) days following the end of the month of the shipment's receipt.

Manifest Discrepancy Report. If a discrepancy in a manifest is discovered, Safety-Kleen will attempt to reconcile the discrepancy. If not resolved within 15 calendar days, the Safety-Kleen will submit a letter report, including a copy of the manifest, to the Director (See A.A.C. R18-8-264.A (40 CFR ' 264.72)). [A.A.C. R18-8-270.A and L (40 CFR ' 270.30(1)(7))]

Unmanifested waste reports as required by AAC R18-8-264.A (40 CFR 264.76) will be submitted to ADEQ within fifteen (15) days of receipt of unmanifested waste.

All additional reports required by AAC R18-8-264.A (40 CFR 264.77) will be submitted to ADEQ as required.

Safety-Kleen will submit to the ADEQ an annual report by March 1 for the preceding calendar year, containing all information contained in AAC R18-8-264.H.

#### **P-2 Manifest Record Retention**

Safety-Kleen's electronic data storage systems adhere to all laws and regulatory requirements related to manifests and retention periods. This includes those found in Arizona Administrative Code (AAC) Title 18, Chapter 8 (40 Code of Federal Regulations (CFR) §§260 through §273), and the Arizona Revised Statutes (ARS) Title 49. Some examples of the applicable retention time requirements are AAC R18-8-264.A (40 CFR 264 Subpart E) which includes the requirements to maintain manifest-related information and cross references to manifests until the treatment, storage and disposal facility (TSDF) is closed pursuant to 40 .CFR 264.73(b), TSDFs to retain a copy of each manifest for at least 3 years at the facility in accordance with 40 CFR 264.71(a)(2)(v), AAC R18-8-262.A (40 CFR 262.40 and 262.42) which provide information on 3 year retention times with stipulations for generators, and 40 CFR 264.74(b) requiring retention periods to be extended automatically during the course of any unresolved enforcement action.

SKC will keep the latest copy with the signatures available at that point in time stored electronically for facility-related manifests. Rather than scanning a specific page of the manifest for a transporter-generator-final TSDF copy Safety-Kleen scans the clearest copy available.

Throughout the life of the shipment the latest copy is scanned into the system showing the greatest number of signatures available. The intent is for the final copy scanned into the system to be the document that shows the generator signature, the transporter signature, and for materials where Safety-Kleen is the generator or the final TSD, the TSD signature.

### **P-3 Basic Procedures for Uploading Documents**

1. Upon receipt of a shipment at the Chandler facility, a hard copy of each manifest is scanned, and the image file created by the scanner is uploaded to the company's mainframe. The manifest, when scanned, contains the handwritten signatures required under 40 CFR 262.23(a), and these signatures are captured as part of the image file copies.
2. Shortly after receipt of the manifests, Safety-Kleen's clerical staff enters all of the line item information from the manifest into the database. This index enables access to the manifest files by date of receipt, manifest number, facility name, or other descriptors.
3. The system automatically displays a list of all manifests that respond to a specific search request. The user can then select any item from the displayed list with the computer mouse, and the system will then display details on this manifest. In the upper left corner of the display is a miniature manifest that can be clicked on to display the actual image of the manifest complete with signatures. Print-outs from the system are typically of the same quality as photocopies of the original documents, and all handwritten signatures appear on the records.

Verification of the legibility and full page showing the document did not shift during the scanning procedure is done for each electronic manifest before the paper version is destroyed.

### **P-4 Reasonable Access to Records**

Safety-Kleen will provide access to all electronic documents required by an inspector at the time of inspection. These documents can be pulled up for electronic viewing on screen at a terminal at the Chandler site or printed out for the inspector to take with them.

Safety-Kleen's electronic record system is set up for easy retrieval, has appropriate indexing to search and find specific manifests, and availability to clearly view and print legible copies of manifests during all inspections in accordance with AAC R18-8-264.A (40 CFR 264.74) and AAC R18-8-270.30 (40 CFR 270.30(h) and (i)).

The digital storage of the data, combined with multiple system backups, ensure the quality does not degrade over time.

The digital files are stored in an un-writable format to ensure that the records are secure from tampering, corruption, or altering. The computer system transmits real time all documents scanned to the system and is stored at the corporate headquarters. Thus, in the event of a fire, flood, or other accident involving the Chandler site, the records of waste activity will be secured.

### **P-5 Other Records - Inspections**

Safety-Kleen also stores other documents, such as, inspection records electronically. These are automatically saved to our inspection storage area in our main frame, but can be accessed at the local site for reference. Work tickets from inspections automatically are created when an inspection shows a failure, alerting the site staff of the need to follow-up and remain as open work tickets until resolved.

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**ATTACHMENT Q**  
**ARIZONA ADMINISTRATIVE CODE**



- e. Prior authorization has been obtained if required by the Administration, Contractor, or Contractor’s designee, as appropriate. Contractors shall not require prior authorization more frequently than every twelve months.

**C. Incontinence brief coverage for a member under age 21 is described under R9-22-212.**

**R9-28-206. ALTCS Services that may be Provided to a Member Residing in either an Institutional or HCBS Setting**

The Administration shall cover the following services if the services are provided to a member within the limitations listed:

1. Occupational and physical therapies, speech and audiology services, and respiratory therapy:
  - a. The duration, scope, and frequency of each therapeutic modality or service is prescribed by the member’s primary care provider or attending physician;
  - b. The therapy or service is authorized by the member’s contractor or the Administration; and
  - c. The therapy or service is included in the members case management plan;
  - d. AHCCCS will not cover more than 15 outpatient physical therapy visits for the contract year with the exception of the required Medicare coinsurance and deductible payment as described in 9 A.A.C. 29, Article 3.
2. Medical supplies, durable medical equipment, and customized durable medical equipment, which conform with the requirements and limitations of 9 A.A.C. 22, Article 2 and as described under R9-28-202 for persons in HCBS settings;
3. Ventilator dependent services:
  - a. Inpatient or institutional services are limited to services provided in a general hospital, special hospital, NF, or ICF-MR. Services provided in a general or special hospital are included in the hospital’s unit tier rate under 9 A.A.C. 22, Article 7;
  - b. A ventilator dependent member may receive the array of home and community based services under R9-28-205 as appropriate.
4. Hospice services:
  - a. Hospice services are covered only for a member who is in the final stages of a terminal illness and has a prognosis of death within six months;
  - b. Covered hospice services for a member are those allowable under 42 CFR 418.202, December 20, 1994, incorporated by reference and on file with the Administration and the Office of the Secretary of State. This incorporation by reference contains no future editions or amendments; and
  - c. Covered hospice services do not include:
    - i. Medical services provided that are not related to the terminal illness, or
    - ii. Home delivered meals.
  - d. Medicare is the primary payor of hospice services for a member if applicable.

**NOTICE OF FINAL RULEMAKING**

**TITLE 18. ENVIRONMENTAL QUALITY**

**CHAPTER 8. DEPARTMENT OF ENVIRONMENTAL QUALITY  
HAZARDOUS WASTE MANAGEMENT**

[R15-73]

**PREAMBLE**

<b><u>1. Article, Part or Section Affected (as applicable)</u></b>	<b><u>Rulemaking Action</u></b>
R18-8-260	Amend
R18-8-261	Amend
R18-8-262	Amend
R18-8-263	Amend
R18-8-264	Amend
R18-8-265	Amend
R18-8-266	Amend
R18-8-268	Amend
R18-8-270	Amend
R18-8-271	Amend
R18-8-273	Amend
<b><u>2. Citations to the agency’s statutory rulemaking authority to include the authorizing statutes (general) and the implementing statutes (specific):</u></b>	
Authorizing Statutes: A.R.S. §§ 41-1003 and 49-104	
Implementing Statute: A.R.S. § 49-922	



**3. The effective date of the rule:**

September 5, 2015

**4. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the final rules:**

Notice of Rulemaking Docket Opening: 20 A.A.R. 103, January 10, 2014

Notice of Proposed Rulemaking: 20 A.A.R. 2501, September 12, 2014

**5. The agency’s contact person who can answer questions about the rulemaking:**

Name: Mark Lewandowski

Address: Arizona Department of Environmental Quality  
Waste Programs Division  
1110 W. Washington St.  
Phoenix, AZ 85007

Telephone: (602) 771-2230, or (800) 234-5677, enter 771-2230 (Arizona only)

Fax: (602) 771-4381

E-mail: lewandowski.mark@azdeq.gov

**6. An agency’s justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**

Summary. The Arizona Department of Environmental Quality (DEQ) is amending the state’s hazardous waste rules to incorporate changes in federal regulations implementing Subtitle C of the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA). The amendments in this final rule adopt changes to federal regulations that were in effect as of July 1, 2013 for most sections, and update the general incorporation date in Arizona hazardous waste rules from July 1, 2006 to July 1, 2013. A later incorporation date is established in two Arizona rule sections to capture EPA’s solvent-contaminated wipes rule, effective January 31, 2014. This rule also makes technical corrections that the United States Environmental Protection Agency (EPA) has said are necessary to renew Arizona’s authorization to implement federal hazardous waste regulations. DEQ-initiated technical corrections are also included. EPA’s 2008 rule revising the definition of solid waste is not incorporated by this rulemaking. EPA rules recently vacated by a federal court are also excluded or removed.

Background. Congress passed RCRA in 1976 to establish a national “cradle to grave” regulatory system to control the generation, transportation, treatment, storage and disposal of hazardous wastes. Similar to other national environmental laws, states are encouraged to assume most of the responsibility for the program and become “authorized” to implement RCRA and its underlying regulations. This process ensures national consistency and minimum standards while providing flexibility to states to implement the national standards with state and local solutions.

The requirements for state hazardous waste program authorization are found in 40 CFR 271. Federal hazardous waste regulations change from year to year, so states with authorization such as Arizona have a continuing obligation to revise their programs to keep up with federal changes and remain authorized states. [40 CFR 271.21(e)(1)]

Arizona’s hazardous waste rules are found in 18 A.A.C. 8, Article 2 and have been in effect since 1984. EPA granted “final” authorization to Arizona in 1985 to operate its hazardous waste program in Arizona in lieu of the federal hazardous waste program, subject to the limitations imposed by HSWA (see 50 FR 47736, November 20, 1985). EPA last authorized revisions to Arizona’s hazardous waste program on March 17, 2004. (69 FR 12544) Due largely to federal and Arizona requirements requiring equivalency with federal regulations (see 42 U.S.C. 6926(b) and A.R.S. § 49-922(A)), Arizona’s hazardous waste rules incorporate the federal hazardous waste regulations by reference and are mostly identical to the federal regulations. DEQ regularly compares Arizona’s hazardous waste rules to the federal regulations and amends the Arizona rules, as necessary, to comply with state statute and to facilitate continued authorization. Without continued authorization, EPA, rather than DEQ, would administer parts of the hazardous waste program in Arizona. DEQ’s objective with this rulemaking is to continue administering the federal hazardous waste program in Arizona in place of EPA. DEQ believes that regular incorporation of changes and additions to federal language into Arizona rules will simplify and facilitate continued authorization.

What EPA regulations are being incorporated in this rule?

The following is a list of changes in federal hazardous waste regulations that were effective as federal law as of July 1, 2013 or January 31, 2014 and that are incorporated into Arizona rules. They are discussed more fully later.

- 2007 Technical Correction. A correction in 40 CFR 273 that reinserts a definition for “on-site” inadvertently omitted in a previous EPA rulemaking; 72 FR 35666, June 29, 2007.



- National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors; Amendments; 73 FR 18970, April 8, 2008.
- Hazardous Waste Management System: Identification and Listing of Hazardous Waste; Amendment to Hazardous Waste Code F019; 73 FR 31756, June 4, 2008.
- Standards Applicable to Generators of Hazardous Waste; Alternative Requirements for Hazardous Waste Determination and Accumulation of Unwanted Material at Laboratories Owned by Colleges and Universities and Other Eligible Academic Entities Formally Affiliated With Colleges and Universities; 73 FR 72912, December 1, 2008. Technical corrections at 75 FR 79304, December 20, 2010.
- Transboundary Shipments of Hazardous Wastes Between OECD Member Countries, Export Shipments of Spent Lead-Acid Batteries, Submitting Exception Reports for Export Shipments of Hazardous Wastes, and Imports of Hazardous Wastes; 75 FR 1236, January 8, 2010.
- Hazardous Waste Technical Corrections and Clarifications Rule; 75 FR 12989, March 18, 2010.
- Removal of Saccharin and Its Salts from the Lists of Hazardous Constituents, Hazardous Wastes, etc.; 75 FR 78918, December 17, 2010.
- Land Disposal Restrictions: Revision of the Treatment Standards for Carbamate Wastes; 76 FR 34147, June 13, 2011.
- Hazardous Waste Technical Corrections and Clarifications Rule; 77 FR 22229, April 13, 2012.
- Revisions to Procedural Rules to Clarify Practices and Procedures Applicable in Permit Appeals Pending Before the Environmental Appeals Board; 78 FR 5281, January 25, 2013.
- Conditional Exclusions from Solid Waste and Hazardous Waste for Solvent-Contaminated Wipes; 78 FR 46447, July 31, 2013; (eff. January 31, 2014).

Two EPA rules that became final just after July 1, 2006 were already incorporated by DEQ in its last hazardous waste rulemaking: one regulating cathode ray tubes, and the other, a large corrections rulemaking. For that reason they are not included in this rulemaking. DEQ's last hazardous waste rulemaking was published at 14 A.A.R. 409, February 8, 2008.

#### What other changes are being made to Arizona hazardous waste rules?

DEQ is also making a number of technical corrections in this rule. Changes requested by EPA and related to an authorization review of Arizona rules done in 2009 are at R18-8-260(E)(12)(i), R18-8-260(F)(2), renumbered R18-8-260(F)(6)(a) and R18-8-262(I). Arizona initiated changes are located throughout the rule including R18-8-262(H), R18-8-264(H), R18-8-265(H) and (K), R18-8-270(S), and R18-8-271(Q). The textual changes at R18-8-264(H) and R18-8-265(H) reverse an error DEQ made in incorporating EPA's manifest rule in 2006. The textual changes at R18-8-261(I) also correct earlier incorporation errors.

Arizona Performance Track rules. On May 14, 2009, EPA published a notice indicating that it would be terminating its National Environmental Performance Track Program. ADEQ intends to continue its performance track program known as the Arizona Environmental Performance Track Program. DEQ has made changes to R18-8-260(F)(4) to allow remaining RCRA Performance Track incentives to continue under the Arizona program.

#### Descriptions of EPA regulations incorporated

- 2007 Technical Correction; 72 FR 35666, June 29, 2007. EPA made a technical correction to 40 CFR 273.9 by reinserting a definition for "on-site" that had been inadvertently omitted; 72 FR 35666, June 29, 2007. The definition disappeared between the publication of the July 1, 2005 and July 1, 2006 editions of "40 CFR Parts 266 to 299". It probably was left out during the codification of EPA's Mercury Containing Equipment rule, which was published in the August 5, 2005 FR, and during which § 273.9 was amended. EPA reinserted the previous version of the definition without change.
- National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors; Amendments; 73 FR 18970, April 8, 2008. In this rulemaking, EPA finalized amendments to the national emission stan-



dards for hazardous air pollutants (NESHAP) for hazardous waste combustors (HWCs), which EPA promulgated on October 12, 2005. EPA clarified several compliance and monitoring provisions, and also corrected several omissions and typographical errors in the final rule. DEQ has determined that none of these types of HWCs exist in Arizona at the present time. DEQ is adopting these amendments under the authority of A.R.S. § 49-922, which directs DEQ to adopt rules to establish a hazardous waste management program equivalent to and consistent with the federal hazardous waste regulations promulgated pursuant to subtitle C of RCRA.

In authorization documents related to the Hazardous Waste portion of this final rule, EPA did not consider the provisions of these amendments to be either more or less stringent than the previous federal requirements, so that states are not required to adopt and seek authorization for them. The EPA rulemaking amended 40 CFR Parts 63, 264, and 266. In this rulemaking, DEQ incorporates into state rule all of the amendments to 264 and 266, without modification. DEQ has proposed to incorporate the amendments to Part 63 in a separate rulemaking. See 20 A.A.R. 1798, July 18, 2014.

- Hazardous Waste Management System: Identification and Listing of Hazardous Waste; Amendment to Hazardous Waste Code F019; 73 FR 31756, June 4, 2008. In this rule, EPA amended the list of hazardous wastes from non-specific sources (called F-wastes) by modifying the scope of the EPA Hazardous Waste No. F019 (wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process). EPA amended the F019 listing to exempt wastewater treatment sludges from zinc phosphating, when such phosphating is used in the motor vehicle manufacturing process, provided that the wastes are not placed outside on the land prior to shipment to a landfill for disposal, and the wastes are placed in landfill units that are subject to or meet the specified landfill design criteria.

In its Federal Register notice for the final rule, EPA stated that the rule was less stringent than the previous federal requirements, so that states are not required to adopt and seek authorization for it. Nevertheless, EPA strongly encouraged states to adopt it. The provisions of the rule must be adopted by an authorized state before they are effective in that state.

The EPA rulemaking amended 40 CFR Parts 261 and 302. In this rulemaking, DEQ is incorporating into state rule the amendments to Part 261, without modification.

- Standards Applicable to Generators of Hazardous Waste; Alternative Requirements for Hazardous Waste Determination and Accumulation of Unwanted Material at Laboratories Owned by Colleges and Universities and Other Eligible Academic Entities Formally Affiliated With Colleges and Universities; 73 FR 72912, December 1, 2008. Technical corrections at 75 FR 79304, December 20, 2010. In this rule, EPA finalized an alternative set of generator requirements applicable to laboratories owned by eligible academic entities. The rule provided a flexible and protective set of regulations that address the specific nature of hazardous waste generation and accumulation in laboratories at colleges and universities, as well as other eligible academic entities formally affiliated with colleges and universities. The final EPA rule is optional. Affected entities have the choice of managing their hazardous wastes in accordance with the new alternative regulations or remaining subject to the existing generator regulations.

In its Federal Register notices for the final rule and corrections, EPA considered them to be neither more nor less stringent than the previous federal requirements, so that states are not required to adopt and seek authorization for them. Nevertheless, EPA strongly encouraged states to adopt them. They must be adopted by an authorized state before it can be effective in that state.

The EPA rulemakings amended 40 CFR Parts 261 and 262. In this rulemaking, DEQ is incorporating into state rule all of the amendments to Parts 261 and 262, without modification.

- Transboundary Shipments of Hazardous Wastes Between OECD Member Countries, Export Shipments of Spent Lead-Acid Batteries, Submitting Exception Reports for Export Shipments of Hazardous Wastes, and Imports of Hazardous Wastes; 75 FR 1236, March 18, 2010. In this rule, EPA implemented recent changes to the agreements concerning the transboundary movement of hazardous waste among countries belonging to the Organization for Economic Cooperation and Development (OECD) and established notice and consent requirements for spent lead-acid batteries intended for reclamation in a foreign country. It also specified that all exception reports concerning hazardous waste exports be sent to the International Compliance and Assurance Division in the Office of Enforcement and Compliance Assurance's Office of Federal Activities in Washington, DC, and required U.S. receiving facilities to match EPA provided import consent documentation to incoming hazardous waste import shipments and to submit to EPA a copy of the matched import consent documentation and RCRA hazardous waste manifest for each import shipment.



According to EPA, the rule contains amendments that are both more stringent and less stringent than current federal law. Authorized states must adopt the more stringent parts to maintain authorization. EPA strongly recommends that authorized states adopt those amendments that are less stringent. The EPA rulemaking amended Parts 262, 263, 264, 265, 266, and 271. In this rulemaking, DEQ incorporated into state rule all of the amendments without modification.

- Hazardous Waste Technical Corrections and Clarifications Rule; 75 FR 12989, March 18, 2010. By direct final rule, EPA made a large number of technical changes that correct or clarify several parts of the hazardous waste regulations that relate to hazardous waste identification, manifesting, the hazardous waste generator requirements, standards for owners and operators of hazardous waste treatment, storage and disposal facilities, standards for the management of specific types of hazardous waste and specific types of hazardous waste management facilities, the land disposal restrictions program, and the hazardous waste permit program. The EPA rulemaking amended Parts 260, 261, 262, 263, 264, 265, 266, 268 and 270. On June 4, 2010, EPA withdrew six of the changes. In this rulemaking, DEQ has incorporated into state rule all of the remaining changes without modification.
- Removal of Saccharin and Its Salts from the Lists of Hazardous Constituents, Hazardous Wastes, etc.; 75 FR 78918, December 17, 2010. In this rule, EPA amended its regulations under RCRA to remove saccharin and its salts from the lists of hazardous constituents and commercial chemical products which are hazardous wastes when discarded or intended to be discarded. EPA characterized the changes in the rule as less stringent than the existing Federal requirements. Therefore, States will not be required to adopt and seek authorization for the changes. The EPA rulemaking amended Parts 261 and 268. In this rulemaking, DEQ incorporates into state rule all of the amendments without modification.
- Land Disposal Restrictions: Revision of the Treatment Standards for Carbamate Wastes; 76 FR 34147, June 13, 2011. EPA issued a Direct Final Rule to revise the Land Disposal Restrictions (LDR) standards for hazardous wastes from the production of carbamates and carbamate commercial chemical products, off-specification or manufacturing chemical intermediates and container residues that become hazardous wastes when they are discarded or intended to be discarded. EPA characterized the changes in the rule as neither more nor less stringent than the existing Federal requirements. Therefore, States will not be required to adopt and seek authorization for the changes. The rule was promulgated pursuant to HSWA authority and took effect in all states, regardless of their authorization status. The EPA rulemaking amended Parts 268 and 271. In this rulemaking, DEQ incorporates into state rule all of the amendments to Part 268 without modification.
- Hazardous Waste Technical Corrections and Clarifications Rule; 77 FR 22229, April 13, 2012. In this rule, the EPA took final action on two of six technical amendments that were withdrawn in a June 4, 2010, Federal Register partial withdrawal notice. The two technical amendments were: A correction of the typographical error in the entry "K107" in a table listing hazardous wastes from specific sources; and a conforming change to alert certain recycling facilities that they have existing certification and notification requirements under the Land Disposal Restrictions regulations. The EPA changes were to Parts 261 and 266. ADEQ has incorporated those changes without modification.
- Revisions to Procedural Rules to Clarify Practices and Procedures Applicable in Permit Appeals Pending before the Environmental Appeals Board; 78 FR 5281, January 25, 2013; (eff. March 26, 2013) In this rule, EPA revised existing procedures for appeals from RCRA, UIC (underground injection control) and certain water and air permits that are filed with the Environmental Appeals Board (EAB) in an effort to simplify the review process and make it more efficient. Amendments were made to §§ 124.10, 124.16, 124.19, 124.60, 270.42 and 270.155. DEQ opted out of the EAB appeal process for RCRA permits located at 40 CFR 124.19 by 1991 [See R18-8-271(Q)]. DEQ is incorporating only the changes to the part 270 sections with modifications as shown in R18-8-270(P) and (U). In R18-8-271, DEQ is clarifying that it is not incorporating subparts C, D, and G of part 124, which relate to non-RCRA permits, and to RCRA standardized permits, respectively.
- Conditional Exclusions From Solid Waste and Hazardous Waste for Solvent-Contaminated Wipes; 78 FR 46447, July 31, 2013; (parts 260 and 261) (eff. January 31, 2014) In this rule, EPA modified its hazardous waste management regulations for solvent-contaminated wipes by revising the definition of solid waste to conditionally exclude solvent-contaminated wipes that are cleaned and reused and by revising the definition of hazardous waste to conditionally exclude solvent-contaminated wipes that are disposed. The rule's purpose was to provide a consistent regulatory framework appropriate to the level of risk posed by solvent-contaminated wipes while maintaining protection of human health and the environment and reducing overall compliance costs for industry, many of which are small businesses. The rule includes requirements and conditions that are less stringent than those required under the base



RCRA hazardous waste program but is not effective in authorized states until adopted. The EPA changes were to Parts 260 and 261. ADEQ has incorporated those changes without modification.

What regulations are not being incorporated in this rule?

• Standardized Permit Rule; 70 FR 53419, September 8, 2005. In this rule, EPA finalized revisions to the RCRA hazardous waste permitting program to allow for a “standardized permit.” In its last two hazardous waste rulemakings, DEQ discussed but did not propose to incorporate the Standardized Permit rule. No facilities have thus far indicated an interest in a standardized permit. At this time, DEQ has decided to continue with this position, and not burden the hazardous waste rules with an extra set of procedures for a class of permits no one is interested in.

• EPA Revisions to the Solid Waste Definition; 73 FR 64668, October 30, 2008. Effective December 29, 2008, EPA revised the definition of solid waste to exclude certain hazardous secondary materials from regulation under Subtitle C of RCRA. For some time, EPA has been revisiting this rule and has stated that it would modify the rule as a result of a June 30, 2009 public meeting and comments it received. EPA proposed revisions to this rule on July 22, 2011. No final EPA action had been taken at the time of this state rulemaking. Therefore, DEQ is not incorporating the 2008 rule by reference at this time. Adoption of the 2008 rule is not required for authorization.

• Oil-Bearing Hazardous Secondary Materials From the Petroleum Refining Industry Processed in a Gasification System To Produce Synthesis Gas; 75, January 2, 2008. This rule was vacated by a federal court. See *Sierra Club & La. Env'tl. Action Network v. EPA*; United States Court of Appeals for the District of Columbia Circuit; Decided; June 27, 2014.

• Expansion of RCRA Comparable Fuel Exclusion, 73 FR 77954, December 19, 2008; and Withdrawal of the Emission-Comparable Fuel Exclusion under RCRA, 75 FR 33712, June 15, 2010. A federal court recently nullified these rulemakings and vacated 40 CFR 261(a)(14) and 261.38. See *NRDC v. EPA*; United States Court of Appeals for the District of Columbia Circuit; Decided June 27, 2014.

• Conditional Exclusion for Carbon Dioxide (CO2) Streams in Geologic Sequestration Activities; 79 FR 350, January 3, 2014 (parts 260 and 261) (eff. March 14, 2014). DEQ hazardous waste rules normally incorporate federal regulations revised as of July 1 of a calendar year because this coincides with the revision date for CFR volumes containing Title 40 and makes it simpler to determine the applicable EPA regulations. DEQ makes an exception to this general rule if there is significant stakeholder interest. Through the drafting of this final rule, DEQ received no stakeholder inquiries about this federal regulation. This regulation should be incorporated in DEQ’s next hazardous waste rulemaking.

• Modification of the Hazardous Waste Manifest System; Electronic Manifests, 79 FR 7517, February 7, 2014, eff. Aug. 6, 2014. This EPA rule was published on February 7, but not effective as a final agency action until August, 2014. In addition, EPA indicated that the actual “implementation and compliance date” would be even later. DEQ will consider this rule for incorporation with its next hazardous waste rulemaking.

• Correction in used oil rebuttable presumption text at 40 CFR 261.3. 79 FR 35290, published and effective. June 20, 2014.

• Revisions to the Export Provisions of the Cathode Ray Tube (CRT) rule. 79 FR 36220, published June 26, 2014, effective December 26, 2014.

**7. A reference to any study relevant to the rules that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rules, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

None

**8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

**9. The summary of the economic, small business and consumer impact:**

Identification of the rulemaking:

18 A.A.C. 8, Article 2 (For further information, see Part 6 of this preamble.)

Program Description. Under A.R.S. § 49-922 and federal law, Arizona’s Hazardous Waste Program is responsible for ensuring that all regulated hazardous waste in Arizona is stored, transported, and disposed of properly, and is largely a preventative program to keep hazardous waste from entering the environment. The program maintains an



inventory of hazardous waste generators, transporters and treatment, storage, and disposal (TSD) facilities in Arizona. Permits are issued, managed, and maintained for TSD facilities; this activity includes permit modifications, renewals, closure plans, and financial assurance reviews. Generators, transporters and TSD facilities are inspected periodically. Hazardous waste complaints are investigated. Compliance data is collected and stored. Hazardous waste is tracked from generation to disposal. Compliance assistance is provided, enforcement actions are pursued against significant violators, and oversight is provided for the remediation of contaminated sites.

DEQ's Hazardous Waste Program regulates a universe of over 1500 facilities, including metal platers, chemical manufacturers, laboratories, explosive and munition manufacturers, pesticide manufacturers, hazardous waste TSD facilities, and military installations. There are currently 13 permitted TSD facilities, 181 to 265 large quantity generators, 901 to 1513 small quantity generators, and 217 to 340 transporters. An EPA report shows that over 200,000 tons of hazardous waste were generated in Arizona in 2011. DEQ processes over 30,000 manifests tracking this waste annually. An EPA report of Arizona's 50 largest hazardous waste generators and other related information from 2011 can be found at [www.epa.gov/osw/inforesources/data/br11/state11.pdf](http://www.epa.gov/osw/inforesources/data/br11/state11.pdf)

There are eleven separate federal regulations that are incorporated by this rule, spanning 7 years through July 1, 2013, and for one regulation through January 31, 2014. Looking just at the federal regulations to be incorporated, this rulemaking as a whole will decrease the cost of regulatory compliance by a significant amount. However, the rulemaking's significance for ADEQ's continued authorization is equally important as the rule will also minimize the cost of compliance and preserve procedural rights for Arizona businesses by assuring that ADEQ and not EPA is administering the hazardous waste program. Finally, the rulemaking will close the confusing 7 year gap between the federal regulations and the state rules. DEQ believes that the probable benefits of these rules will outweigh the probable costs.

Impact of EPA regulations incorporated. This rule incorporates into Arizona hazardous waste rules eleven federal rulemakings that became effective between approximately October 11, 2005 and January 31, 2014. EPA has characterized ten of the regulations as either equivalent to or less stringent than previous federal regulations, and DEQ anticipates that there will be only positive economic impacts now that they are adopted into state rule. In addition, although none of the ten equivalent or less stringent changes are required for authorization (because states have the right under federal law to be more stringent), some of the changes would not be effective in Arizona unless adopted by the state. Incorporating these rules by reference reduces the regulatory burden for regulated entities in Arizona.

Incorporating equivalent or less stringent federal regulations also facilitates continued authorization of DEQ's hazardous waste program because there are fewer differing provisions for EPA to analyze and compare. Continued authorization is beneficial because it allows the hazardous waste program to be administered by DEQ at the state level rather than by EPA in San Francisco or Washington.

Incorporation of the rule covering the listed hazardous waste F019 in automobile manufacturing and the rule covering hazardous waste combustors will have little direct impact in Arizona because there are currently no facilities in Arizona that would be subject to them. DEQ believes that incorporating the academic laboratories rule will have a potentially positive economic impact because it creates an option for eligible academic entities to handle what would otherwise be hazardous waste as less regulated "unwanted materials." If an eligible academic entity decides there would be no net benefit in switching to this option, it can choose to stay in the current hazardous waste system. DEQ believes that there are about 30 academic entities currently generating hazardous waste that would be eligible for this option.

In this rulemaking, DEQ has not incorporated EPA's 2005 standardized permits rule, which EPA characterized in 2005 as a rule that "will relieve regulatory burden for all small entities eligible for the rule" "in the form of administrative paperwork burden reduction cost savings." (70 FR at 53447) EPA's hazardous waste standardized permit is not a general permit as defined by A.R.S. § 41-1001, since each standardized permit applies to just one facility. It is actually a simplified individual permit. Since 2005, no sources that DEQ permits have responded to DEQ inquiries indicating interest in switching to or initially using this potentially simpler permit. This lack of interest is, in part, recognition of the transition costs in changing permits, including terminating the current permit. DEQ believes that HW facilities know their costs and potential savings better than a government agency and further believes that if an economic incentive is not there for these facilities, adding the procedure into state rules would have unnecessarily made the rules more complex, and increased the cost of the rulemaking.

One federal regulation, the transboundary rule dealing with exports of spent lead-acid batteries, contained changes that were more stringent than the previous federal regulations. Under both A.R.S. § 49-922 and federal law, ADEQ must adopt federal changes that increase stringency to maintain its program as "equivalent to and consistent with"



the federal program. DEQ also recognized that it had to incorporate this more stringent federal change into Arizona rules to maintain DEQ's authorization for the federal hazardous waste program. Continued authorization is beneficial because it allows the hazardous waste program to be administered by DEQ at the local level rather than by the EPA in San Francisco or Washington.

Technical corrections. This rule also makes a number of state-initiated and EPA-suggested technical corrections. None of the technical corrections would have any economic impact.

The technical corrections to R18-8-260(E)(12)(i) and (F) are necessary for authorization according to communications from EPA during its recent authorization review of Arizona rules. These are sections where, during previous rulemakings, DEQ unintentionally assumed authority for actions that must remain with EPA because the authority is nondelegable. R18-8-260(E)(12) lists exceptions to the general incorporation rule that "EPA" means "DEQ". The corrections are additional exceptions added at R18-8-260(E)(12)(i). The corrections at R18-8-260(F)(2) and renumbered (F)(6) involve exceptions to the general rule that "Administrator" means "Director" and "United States" means "Arizona."

**Reduction of Impact on Small Businesses.** A.R.S. § 41-1035 requires state agencies to reduce the impact of a rulemaking on small businesses, if possible. As discussed above, DEQ has determined that most of the changes have either a potentially positive impact or no impact on small businesses because they are equivalent to or less stringent than the standards currently in existence. The more stringent changes could impact Arizona small businesses if they export spent lead-acid batteries but DEQ is not aware of any of these businesses.

In EPA's rulemaking, EPA "examined a subset of small entities expected to face the largest relative impacts as measured by cost to sales ratios. The average annual gross sales of the potentially impacted small companies within this subset with fewer than 20 employees were found to range from \$0.4 million to \$4.1 million, depending upon the NAICS sector. The annual compliance costs for these companies, as a percentage of average annual gross sales, were found to range from 0.01 percent to 0.08 percent."(75 FR at 1252)

In addition to the impact being relatively small, DEQ has no legal or feasible option other than to adopt the more stringent federal changes. Moreover, adopting more stringent federal changes helps ensure that DEQ remains the primary administrator of the Hazardous Waste Program, and not EPA. This is beneficial to small and large businesses alike.

**Conduct Change Analysis.** Under A.R.S. § 41-1055(A)(1), the agency must discuss the conduct the rule is designed to affect and how it will affect it. The state and federal hazardous waste rules together establish a 'cradle to grave' management system for hazardous waste that deters conduct that would endanger human health or the environment. As stated previously, a significant purpose of the state rules is to allow and encourage EPA to renew its authorization of Arizona's hazardous waste program and prevent EPA from being sole administrator of the program. If EPA became the sole administrator of the hazardous waste program in Arizona, entities previously regulated by DEQ would be harmed in ways that include more difficult communications, probable increased fees and penalties, and a more uncertain regulatory environment.

**Rules More Stringent than Corresponding Federal Law and Imposing the Least Burden Necessary to Achieve the Regulatory Objective.** [A.R.S. § 41-1052(C)(3) and (C)(9)] Since 1984, DEQ hazardous waste rules have contained several procedural requirements that are more stringent than EPA's. These more stringent procedural requirements are authorized by A.R.S. § 49-922, which in directing DEQ to adopt rules, prohibits only non-procedural standards that are more stringent than EPA:

- 1) Hazardous Waste Manifests. DEQ requires hazardous waste generators, transporters and TSD (treatment, storage or disposal) facilities to provide a copy of all hazardous waste manifests to DEQ monthly. [See R18-8-262(I) and (J); R18-8-263(C), R18-8-264(J) and R18-8-265(J).] Federal regulations do not require manifests to be provided to EPA.
- 2) Annual Reports. Hazardous waste large quantity generators and TSD facilities must submit reports [to DEQ] annually rather than every two years as the federal regulations require. [See R18-8-260(E)(3); R18-8-262(H), R18-8-264(I) and R18-8-265(I).]
- 3) Recyclers and Small Quantity generators are required to submit annual reports to DEQ rather than no reports at all. [R18-8-261(J) and R18-8-262(H)]

These more stringent procedural requirements have been in effect since 1984. The Arizona Department of Health Services in 1984, and DEQ since 1987, determined that these more stringent procedural features are necessary for



Arizona to achieve the underlying regulatory objective, which is to “establish a hazardous waste management program equivalent to and consistent with the federal hazardous waste regulations.” [A.R.S. § 49-922(A)] In addition, A.R.S. § 49-922(B)(1) and (2) require rules for “records of hazardous waste” and “submission of reports.” It is clear that DEQ, as the primary enforcement agency, needs to receive a copy of manifests, and that as the primary enforcement agency, it should determine the frequency of reports needed. DEQ’s authority in A.R.S. § 49-922(A) allows procedural requirements to be more stringent than EPA and these are necessary to achieve the objective.

**10. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:**

No changes were made at the time the final rule was submitted to the Governor’s Regulatory Review Council (GRRC). As a result of GRRC staff review, some minor changes were made to make the rule more clear, concise and understandable.

**11. An agency’s summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:**

ADEQ received no public or stakeholder comments about the rulemaking.

**12. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:**

**a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**

A.R.S. § 41-1037(A)(1) and (2). This rulemaking amends an existing rule that requires a regulatory permit. This rulemaking does not require a general permit because:

- 1) A specific alternative permit is authorized by state statute under A.R.S. § 49-922(B)(5) and;
- 2) General permits as defined as defined by A.R.S. § 41-1001 are not recognized under federal hazardous waste regulations with which ADEQ is required to be consistent.

However, it should be noted that ADEQ has already adopted a federal general permit rule that is similar to Arizona general permits. 40 CFR 270.60, “Permits by Rule”, applies to 3 types of facilities: 1) ocean disposal barges or vessels; 2) injection wells; and 3) publicly owned treatment works. Under the federal rule, these three types of facilities are “deemed to have a RCRA permit if the conditions listed are met.” Only the third category exists in Arizona, and DEQ has incorporated the federal general permit rule for publicly owned treatment works through R18-2-270(A). Note: The hazardous waste standardized permit not incorporated in this rule is not a general permit as defined by A.R.S. § 41-1001, since each standardized permit applies to just one facility.

**b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**

A.R.S. § 41-1052(D)(9): These rules are not more stringent than corresponding federal laws, except where there is statutory authority. Since EPA’s first authorization of Arizona’s hazardous waste program in 1985, Arizona rules have been more stringent than EPA’s in the areas of reports and manifests. (See 50 FR at 47736, November 20, 1985) This is authorized under A.R.S. § 49-922(B) which states that DEQ may not adopt a non-procedural standard that is more stringent than EPA. A brief discussion of these more stringent procedural requirements and why they are necessary to achieve the regulatory objective is in item 9 of this preamble.

**c. Whether a person submitted an analysis to the agency regarding the rule’s impact on the competitiveness of businesses in this state as compared to the competitiveness of businesses in other states:**

No person has submitted a competitiveness analysis under A.R.S. § 41-1055(I).

**13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rule:**

Federal Citation	State Citation
40 CFR 260	R18-8-260(C)
40 CFR 261	R18-8-261(A)
40 CFR 262	R18-8-262(A)
40 CFR 263	R18-8-263(A)
40 CFR 264	R18-8-264(A)
40 CFR 265	R18-8-265(A)
40 CFR 266	R18-8-266(A)
40 CFR 268	R18-8-268
40 CFR 270	R18-8-270(A)
40 CFR 124	R18-8-271(A)
40 CFR 273	R18-8-273

**14. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:**

Not applicable



15. The full text of the rules follows:

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 8. DEPARTMENT OF ENVIRONMENTAL QUALITY  
HAZARDOUS WASTE MANAGEMENT

ARTICLE 2. HAZARDOUS WASTES

Section

- R18-8-260. Hazardous Waste Management System: General
- R18-8-261. Identification and Listing of Hazardous Waste
- R18-8-262. Standards Applicable to Generators of Hazardous Waste
- R18-8-263. Standards Applicable to Transporters of Hazardous Waste
- R18-8-264. Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
- R18-8-265. Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
- R18-8-266. Standards for the Management of Specific Hazardous Wastes and Specific Hazardous Waste Management Facilities
- R18-8-268. Land Disposal Restrictions
- R18-8-270. Hazardous Waste Permit Program
- R18-8-271. Procedures for Permit Administration
- R18-8-273. Standards for Universal Waste Management

ARTICLE 2. HAZARDOUS WASTES

**R18-8-260. Hazardous Waste Management System: General**

- A. Federal regulations cited in this Article are those revised as of ~~July 1, 2006~~ July 1, 2013 (and no future editions), unless otherwise noted. 40 CFR 124, 260 through 266, 268, 270 and 273 or portions of these regulations, are incorporated by reference, as noted in the text. Federal statutes and regulations that are cited within 40 CFR 124, 260 through 270, and 273 that are not incorporated by reference may be used as guidance in interpreting federal regulatory language.
- B. No change
- C. All of 40 CFR 260 and the accompanying appendix, revised as of ~~January 29, 2007~~ January 31, 2014 (and no future editions), is incorporated by reference, modified by the following subsections, and on file with the Department of Environmental Quality (DEQ) with the exception of the following:
  - 1. ~~40 CFR 260.1(b)(4) through (6), 260.20(a), 260.21, 260.22, 260.30, 260.31, 260.32, and 260.33; and with the exception of the~~
  - 2. The revisions for standardized permits as published at 70 FR 53419;
  - 3. The revisions to the solid waste definition as published at 73 FR 64668;
  - 4. The revisions for the gasification rule as published at 73 FR 57, is incorporated by reference, modified by the following subsections, and on file with the Department of Environmental Quality (DEQ). Copies of 40 CFR 260 are available at [www.gpoaccess.gov/cfr/index.html](http://www.gpoaccess.gov/cfr/index.html).
- D. No change
  - 1. No change
  - 2. No change
    - a. No change
      - i. No change
      - ii. No change
    - b. No change
      - i. No change
      - ii. No change
      - iii. No change
      - iv. No change
    - c. No change
      - i. At the time the information is submitted to, or otherwise obtained by, the DEQ;
      - ii. No change
      - iii. No change
    - d. No change
      - i. No change
      - ii. No change
      - iii. No change
    - e. No change
      - i. No change



- (1) No change
      - (2) No change
    - ii. No change
      - (1) No change
      - (2) No change
    - iii. No change
      - (1) No change
      - (2) No change
      - (3) No change
      - (4) No change
  - f. No change
    - i. No change
    - ii. No change
    - iii. No change
    - iv. No change
    - v. No change
- E. No change
  - 1. No change
  - 2. No change
  - 3. No change
  - 4. No change
  - 5. No change
  - 6. No change
  - 7. No change
  - 8. No change
  - 9. No change
  - 10. No change
  - 11. No change
  - 12. [“EPA,” “Environmental Protection Agency,” “United States Environmental Protection Agency,” “U.S. EPA,” “EPA HQ,” “EPA Regions,” and “Agency” mean the DEQ with the following exceptions:
    - a. Any references to EPA identification numbers;
    - b. Any references to EPA hazardous waste numbers;
    - c. Any reference to EPA test methods or documents;
    - d. Any reference to EPA forms;
    - e. Any reference to EPA publications;
    - f. Any reference to EPA manuals;
    - g. Any reference to EPA guidance;
    - h. Any reference to EPA Acknowledgment of Consent;
    - i. References in §§ 260.2(b) (as incorporated by R18-8-260(D)(2)); 260.10 (definitions of “Administrator,” “EPA region,” “Federal agency,” “Person,” and “Regional Administrator” (as incorporated by R18-8-260(E)); 260, Appendix I (as incorporated by R18-8-260(C)); 260.11(a) (as incorporated by R18-8-260(C)); 261, Appendix IX (as incorporated by R18-8-261(A)); 261.39(a)(5) (as incorporated by R18-8-261(A)); 262.21 (as incorporated by R18-8-262(A)); 262.32(b) (as incorporated by R18-8-262(A)); 262.50 through 262.57 (as incorporated by R18-8-262(A)); 262.60(c) and (e) (as incorporated by R18-8-262(A)); 262.80 through 262.89 (as incorporated by R18-8-262(A)); 262, Appendix (as incorporated by R18-8-262(A)); 263.10(a) Note (as incorporated by R18-8-263(A)); 264.12(a)(2), 264.71(a)(3), 264.71(d), 265.12(a)(2), 265.71(a)(3), 265.71(d); 268.1(e)(3) (as incorporated by R18-8-268); 268.5, 268.6, 268.42(b), and 268.44, which are nondelegable to the state of Arizona (as incorporated by R18-8-268);



- 270.1(a)(1) (as incorporated by R18-8-270);
- 270.1(b) (as incorporated by R18-8-270(B));
- 270.2 (definitions of “Administrator,” “Approved program or Approved state,” “Director,” “Environmental Protection Agency,” “EPA,” “Final authorization,” “Permit,” “Person,” “Regional Administrator,” and “State/EPA agreement”) (as incorporated by R18-8-270(A));
- 270.3 (as incorporated by R18-8-270(A));
- 270.5 (as incorporated by R18-8-270(A));
- 270.10(e)(1) through (2) (as incorporated by R18-8-270(A) and R18-8-270(D));
- 270.11(a)(3) (as incorporated by R18-8-270(A));
- 270.32(a) and (c) (as incorporated by R18-8-270(M) and R18-8-270(O));
- 270.51 (as incorporated by R18-8-270(~~P~~)(Q));
- 270.72(a)(5) and (b)(5) (as incorporated by R18-8-270(A));
- 124.1(f) (as incorporated by R18-8-271(B));
- 124.5(d) (as incorporated by R18-8-271(D));
- 124.6(e) (as incorporated by R18-8-271(E));
- 124.10(c)(1)(ii) (as incorporated by R18-8-271(I)); and
- 124.13 (as incorporated by R18-8-271(L)).]

- 13. No change
- 14. No change
- 15. No change
- 16. No change
- 17. No change
- 18. No change
- 19. No change
- 20. No change
- 21. No change
- 22. No change
  - a. No change
  - b. No change
- 23. No change
- 24. No change
- 25. No change
- 26. No change
- 27. No change
- 28. No change
- 29. No change
- 30. No change
- 31. No change
- 32. No change

- F. § 260.10, titled “Definitions,” as amended by subsection (E) also is amended as follows, with all definitions in §§ 260.10 (as incorporated by R18-8-260), applicable throughout this Article unless specified otherwise.
  - 1. No change
  - 2. “Administrator,” “Regional Administrator,” “state Director,” or “Assistant Administrator for Solid Waste and Emergency Response” mean the [Director or the Director’s authorized representative, except in §§:
    - 260.10, in the definitions of “Administrator,” “Regional Administrator,” and “hazardous waste constituent” (as incorporated by R18-8-260(E));
    - 261.41 (as incorporated by R18-8-261);
    - 261, Appendix IX (as incorporated by R18-8-261(A));
    - 262, Subpart E;
    - 262, Subpart H;
    - 262, Appendix (as incorporated by R18-8-262);
    - 264.12(a) (as incorporated by R18-8-264(A));
    - 265.12(a) (as incorporated by R18-8-265(A));



- 268.5, 268.6, 268.42(b), and 268.44, which are nondelegable to the state of Arizona (as incorporated by R18-8-268);
- 270.2, in the definitions of “Administrator”, “Director”, “Major facility”, “Regional Administrator”, and “State/EPA agreement” (as incorporated by R18-8-270(A));
- 270.3 (as incorporated by R18-8-270(A));
- 270.5 (as incorporated by R18-8-270(A));
- 270.10(e)(1), (2), and (4) (as incorporated by R18-8-270(A) and R18-8-270(D));
- 270.10(f) and (g) (as incorporated by R18-8-270(A) and R18-8-270(E));
- 270.11(a)(3) (as incorporated by R18-8-270(A));
- 270.14(b)(20) (as incorporated by R18-8-270(A));
- 270.32(b)(2) (as incorporated by R18-8-270(N));
- 270.51 (as incorporated by R18-8-270(A));
- 124.5(d) (as incorporated by R18-8-271(D));
- 124.6(e) (as incorporated by R18-8-271 (E));
- 124.10(b) (as incorporated by R18-8-271(I));~~].~~

3. No change
  - a. No change
  - b. No change
  - c. No change
4. [~~“Member of the Performance Track Program” or “Performance Track member facility” means a facility or generator that has been accepted by EPA for membership in the National Environmental Performance Track Program (as described at <http://www.epa.gov/performance-track/>) and by DEQ for membership in~~ is a current member of the Arizona Environmental Performance Track Program (as described at <http://www.azdeq.gov/function/about-track.html>) ~~http://www.azdeq.gov/function/programs/azept) and is still a member of both programs. The Environmental Performance Track Programs are voluntary programs for top environmental performers. Facility members must demonstrate a good record of compliance, past success in achieving environmental goals, and commit to future specific quantified environmental goals, environmental management systems, local community outreach, and annual reporting of measurable results.]~~
5. No change
6. No change
7. “United States” means [Arizona except ~~for~~ the following:
  - a. ~~§ 261.39(a)(5) (as incorporated by R18-8-261).~~
  - ab. References in §§ 262.50, 262.51, 262.53(a), 262.54(c), 262.54(g)(2), 262.54(i), 262.55(a), 262.55(c), 262.56(a)(4), 262.60(a), ~~and~~ 262.60(b)(2) and 262.60(d) (as incorporated by R18-8-262).
  - bc. All references in Part 263 (as incorporated by R18-8-263), except §§ 263.10(a) and 263.22(c).}
  - d. § 266.80]

- G. No change
- H. No change
- I. No change
- J. No change
- K. No change
- L. No change
- M. No change
  1. No change
  2. No change
  3. No change
- N. No change
  1. No change
  2. No change
  3. No change

**R18-8-261. Identification and Listing of Hazardous Waste**

- A. All of 40 CFR 261 and accompanying appendices, revised as of ~~January 29, 2007~~ January 31, 2014 (and no future editions), is incorporated by reference, modified by the following subsections, and on file with the DEQ with the exception of the following:
  1. The revisions for standardized permits as published at 70 FR 53419;
  2. The revisions to the solid waste definition as published at 73 FR 64668;



- 3. The revisions for the gasification rule as published at 73 FR 57;
- 4. 40 CFR 261.4(a)(16) and 261.38, is incorporated by reference, modified by the following subsections, and on file with the DEQ. Copies of 40 CFR 261 are available at [www.gpoaccess.gov/cfr/index.html](http://www.gpoaccess.gov/cfr/index.html).

- B. No change
- C. No change
- D. No change
- E. No change

F. § 261.5, titled “Special requirements for hazardous waste generated by conditionally exempt small quantity generators,” paragraph (f)(3) is amended as follows:

(3) A conditionally exempt small quantity generator may either treat or dispose of [the] acute hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility, either of which, if located in the U.S., is:

- (i) Permitted under part 270 of this ~~Chapter~~ chapter [(as incorporated by R18-8-270)];
- (ii) In interim status under parts 270 and 265 of this ~~Chapter~~ chapter [(as incorporated by R18-8-270 and R18-8-265)];
- (iii) Authorized to manage hazardous waste by a state with a hazardous waste management program approved under part 271 of this ~~Chapter~~ chapter;
- (iv) Permitted, licensed, or registered by a state to manage municipal [or industrial solid waste and approved by the owner or operator of the solid waste facility to accept acute hazardous waste from conditionally exempt small quantity generators that have not been excluded from disposing of their waste at such a facility under applicable provisions of the Solid Waste Management Act, A.R.S. §§ 49-701 through 49-791 and] is subject to Part 258 of this ~~Chapter~~ chapter;
- (v) Permitted, licensed, or registered by a state to manage non-municipal non-hazardous waste and, if managed in a non-municipal non-hazardous waste disposal unit after January 1, 1998, is subject to the requirements in §§ 257.5 through 257.30 of this chapter; or
- (vi) A facility which:
  - (A) Beneficially uses or reuses, or legitimately recycles or reclaims its waste; or
  - (B) Treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation; or
- (vii) For universal waste managed under § part 273 of this chapter [(as incorporated by R18-8-273)], a universal waste handler or destination facility subject to the requirements of § part 273 of this chapter.

G. § 261.5, titled “Special requirements for hazardous waste generated by conditionally exempt small quantity generators,” paragraph (g) is amended as follows:

(g) In order for hazardous waste [, other than acute hazardous waste,] generated by a conditionally exempt small quantity generator in quantities of ~~less than~~ 100 kilograms or less of hazardous waste during a calendar month to be excluded from full regulation under this [subsection], the generator [shall] comply with the following requirements:

- (1) § 262.11 of this chapter [(as incorporated by R18-8-262)];
- (2) The conditionally exempt small quantity generator may accumulate hazardous waste on-site. If [such generator] accumulates at any time ~~more than a total of~~ 1,000 kilograms or greater of [its] hazardous wastes, all of those accumulated [hazardous] wastes are subject to regulation under the special provisions of § part 262 applicable to generators of ~~between~~ greater than 100 kg and less than 1000 kg of hazardous waste in a calendar month as well as the requirements of §§ parts 263 through 266, 268, 270, and 271 of this chapter [(as incorporated by R18-8-262, R18-8-263 through R18-8-266, R18-8-268, R18-8-270, and R18-8-271)] and the applicable notification requirements of section 3010 of RCRA. The time period of § 262.34(d) [(as incorporated by R18-8-262)] for accumulation of wastes on-site begins for a conditionally exempt small quantity generator when the accumulated wastes equal or exceed 1,000 kilograms;
- (3) A conditionally exempt small quantity generator may either treat or dispose of [its] hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility, either of which, if located in the U.S., is:
  - (i) Permitted under part 270 of this ~~Chapter~~ chapter [(as incorporated by R18-8-270)];
  - (ii) In interim status under parts 270 and 265 of this ~~Chapter~~ chapter [(as incorporated by R18-8-270 and R18-8-265)];
  - (iii) Authorized to manage hazardous waste by a State with a hazardous waste management program approved under part 271 of this ~~Chapter~~ chapter;
  - (iv) Permitted, licensed, or registered by a ~~state~~ State to manage municipal [or industrial solid waste and approved by the owner or operator of the solid waste facility to accept hazardous waste from conditionally exempt small quantity generators who have not been excluded from disposing of their waste at such a facility pursuant to applicable provisions of the Solid Waste Management Act, A.R.S. §§ 49-701 through 49-791 and] is subject to Part 258 of this ~~Chapter~~ chapter;
  - (v) Permitted, licensed, or registered by a ~~state~~ State to manage non-municipal non-hazardous waste and, if managed in a non-municipal non-hazardous waste disposal unit after January 1, 1998, is subject to the requirements in §§ 257.5 through 257.30 of this chapter; or



- (vi) A facility which:
    - (A) Beneficially uses or reuses, or legitimately recycles or reclaims its waste; or
    - (B) Treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation; or
  - (vii) For universal waste managed under part 273 of this ~~Chapter~~ chapter [(as incorporated by R18-8-273)], a universal waste handler or destination facility subject to the requirements of part 273 of this ~~Chapter~~ chapter.
- H.** No change
- I.** § 261.6, titled “Requirements for recyclable materials,” paragraphs (a)(1) through (a)(3) are amended as follows:
- (a)(1) Hazardous wastes that are recycled are subject to the requirements for generators, transporters, and storage facilities of paragraphs (b) and (c) of this section, except for the materials listed in paragraphs (a)(2) and (a)(3) of this section. Hazardous wastes that are recycled [shall] be known as “recyclable materials.”
  - (2) The following recyclable materials are not subject to the requirements of this section but are regulated under [40 CFR 266, subparts C, ~~F, G, and H~~ through N (as incorporated by R18-8-266)] and all applicable provisions in parts ~~268, 270 and 124 of this Chapter~~ chapter [(as incorporated by ~~R18-8-268, R18-8-270 and R18-8-271~~)]:
    - (i) Recyclable materials used in a manner constituting disposal (40 CFR part 266, subpart C);
    - (ii) Hazardous wastes burned ~~for energy recovery (as defined in section 266.100(a))~~ in boilers and industrial furnaces that are not regulated under [40 CFR 264 or 265, subpart O (as incorporated by R18-8-264 and R18-8-265)] (40 CFR part 266, subpart H);
    - (iii) Recyclable materials from which precious metals are reclaimed (40 CFR part 266, subpart F);
    - (iv) Spent lead acid batteries that are being reclaimed (40 CFR part 266, subpart G).
    - ~~(v) U.S. Filter Recovery Services XL waste (40 CFR 266, subpart O).~~
  - (3) The following recyclable materials are not subject to regulation under [40 CFR 262 through 266, 268, 270, or 124 (as incorporated by R18-8-262 through R18-8-266, R18-8-268, R18-8-270, and R18-8-271)] and are not subject to the notification requirements of section 3010 of RCRA:
    - (i) Industrial ethyl alcohol that is reclaimed except that, unless provided otherwise in an international agreement as specified in § 262.58:
      - (A) A person initiating a shipment for reclamation in a foreign country, and any intermediary arranging for the shipment, [shall] comply with the requirements applicable to a primary exporter in §§ 262.53, 262.56(a)(1)-(4), (6), and (b), and 262.57, export such materials only upon consent of the receiving country and in conformance with the EPA Acknowledgment of Consent as defined in subpart E of part 262, and provide a copy of the EPA Acknowledgment of Consent to the shipment to the transporter transporting the shipment for export;
      - (B) Transporters transporting a shipment for export may not accept a shipment if [the transporter] knows the shipment does not conform to the EPA Acknowledgment of Consent, [shall] ensure that a copy of the EPA Acknowledgment of Consent accompanies the shipment and [shall] ensure that [the EPA Acknowledgment of Consent] is delivered to the [subsequent transporter or] facility designated by the person initiating the shipment.
    - (ii) Scrap metal that is not excluded under § 261.4(a)(13);
    - (iii) Fuels produced from the refining of oil-bearing hazardous ~~wastes~~ waste along with normal process streams at a petroleum refining facility if such wastes result from normal petroleum refining, production, and transportation practices (this exemption does not apply to fuels produced from oil recovered from oil-bearing hazardous waste, where such recovered oil is already excluded under § 261.4(a)(12) (as incorporated by R18-8-261));
    - (iv)(A) Hazardous waste fuel produced from oil-bearing hazardous wastes from petroleum refining, production, or transportation practices, or produced from oil reclaimed from such hazardous wastes, where such hazardous wastes are reintroduced into a process that does not use distillation or does not produce products from crude oil so long as the resulting fuel meets the used oil specification under [A.R.S. § 49-801] and so long as no other hazardous wastes are used to produce the hazardous waste fuel;
    - (B) Hazardous waste fuel produced from oil-bearing hazardous waste from petroleum refining[, ] production, and transportation practices, where such hazardous wastes are reintroduced into a refining process after a point at which contaminants are removed, so long as the fuel meets the used oil fuel specification under [A.R.S. § 49-801]; and
    - (C) Oil reclaimed from oil-bearing hazardous wastes from petroleum refining, production, and transportation practices, which reclaimed oil is burned as a fuel without reintroduction to a refining process, so long as the reclaimed oil meets the used oil fuel specification under [A.R.S. § 49-801].
- J.** No change
- K.** No change



**R18-8-262. Standards Applicable to Generators of Hazardous Waste**

- A. All of 40 CFR 262 and the accompanying appendix, revised as of ~~July 14, 2006~~ July 1, 2013 (and no future editions), is incorporated by reference, modified by the following subsections, and on file with the DEQ. Copies of 40 CFR 262 are available at [www.gpoaccess.gov/cfr/index.html](http://www.gpoaccess.gov/cfr/index.html).
- B. No change
  - 1. No change
  - 2. No change
  - 3. No change
- C. No change
- D. No change
- E. No change
- F. No change
- G. No change
- H. § 262.41, titled “Biennial report,” is amended as follows:
  - (a) A generator [shall] prepare and submit a single copy of [an annual] report to the [Director] by March 1 [for the preceding calendar] year. The [annual] report [shall] be submitted on [a form provided by the DEQ according to the instructions for the form, shall describe] generator activities during the previous [calendar] year, and shall include the following information:
    - (1) The EPA identification number, name, [location,] and [mailing] address of the generator.
    - (2) The calendar year covered by the report.
    - (3) The EPA identification number, name, and [mailing] address for each off-site [TSD] facility to which waste was shipped during the [reporting] year [, including the name and address of all applicable foreign facilities for exported shipments.]
    - (4) The name, [mailing address], and the EPA identification number of each transporter used [by the generator] during the reporting year.
    - (5) A [waste] description, EPA hazardous waste number (from 40 CFR 261, subpart C or D) [(as incorporated by R18-8-261), U.S. Department of Transportation] hazard class, [concentration, physical state,] and quantity of each hazardous waste [:
      - i. Generated];
      - ii. Shipped off-site. This information must be listed by EPA identification number of each off-site facility to which waste was shipped; and
      - iii. Accumulated at the end of the year].
    - (6) A description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated.
    - (7) A description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for the years prior to 1984.
    - (8) The certification signed by the generator or [the generator’s] authorized representative [, and the date the report was prepared].
    - (9) [A waste description, EPA hazardous waste number, concentration, physical state, quantity, and handling method of each hazardous waste handled on-site in elementary neutralization or wastewater treatment units.]
    - (10) [Name and telephone number of facility contact responsible for information contained in the report.]
  - (b) Any generator who treats, stores, or disposes of hazardous waste on-site, [and is subject to the HWM facility requirements of R18-8-264, R18-8-265, or R18-8-270,] shall submit [an annual] report covering those wastes in accordance with the provisions of 40 CFR 264.75 [(as incorporated by R18-8-264~~(G)~~(I)), and § 265.75 [(as incorporated by R18-8-265~~(G)~~(I)).
- I. Manifests required in 40 CFR 262, subpart B, titled “The Manifest,” (as incorporated by R18-8-262) shall be submitted to the DEQ in the following manner:
  - 1. A generator initiating a shipment of hazardous waste required to be manifested shall submit to the DEQ, no later than 45 days following the end of the month of shipment, one copy of each manifest with the signature of that generator and transporter, and the signature of the owner or operator of the designated facility, for any shipment of hazardous waste transported or delivered within that month. If a conforming manifest is not available, the generator shall submit an Exception Report in compliance with § 262.42 (as incorporated by R18-8-262).
  - 2. A generator shall designate on the manifest in item ~~13~~ “Waste No. Codes,” the EPA hazardous waste number or numbers for each hazardous waste listed on the manifest.
  - 3. A member of the Performance Track Program, as defined in R18-8-260(F), that initiates a shipment of hazardous waste required to be manifested shall submit the manifest to DEQ as specified in subsections (1) and (2), except a manifest may be submitted to DEQ within 45 days following the end of the calendar quarter of shipment rather than within 45 days following the end-of-the month of shipment.
- J. No change
- K. No change
- L. No change
- M. No change

**R18-8-263. Standards Applicable to Transporters of Hazardous Waste**

- A. All of 40 CFR 263, revised as of ~~July 1, 2006~~ July 1, 2013 (and no future editions), is incorporated by reference, modified by the following subsections of ~~R18-8-263~~, and on file with the DEQ. Copies of 40 CFR 263 are available at [www.gpoaccess.gov/cfr/index.html](http://www.gpoaccess.gov/cfr/index.html).
- B. No change
- C. No change
- D. No change
- E. No change

**R18-8-264. Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities**

- A. All of 40 CFR 264 and accompanying appendices, revised as of ~~July 14, 2006~~ July 1, 2013 (and no future editions), with the exception of §§ 264.1(d) and (f), 264.149, 264.150, and 264.301(l), is incorporated by reference, modified by the following subsections, and on file with the DEQ. Copies of 40 CFR 264 are available at [www.gpoaccess.gov/cfr/index.html](http://www.gpoaccess.gov/cfr/index.html).
- B. No change
- C. No change
- D. No change
  - 1. No change
  - 2. No change
- E. No change
- F. No change
- G. § 264.56, titled “Emergency procedures,” paragraph (d)(2) is amended as follows:
  - (2) [The emergency coordinator, or designee, shall] immediately notify [the DEQ at (602) 771-2330 or (800) 234-5677, extension 771-2330, and notify] either the government official designated as the on-scene coordinator for that geographical area, (~~in the applicable regional contingency plan under 40 CFR 1510~~) or the National Response Center (using their 24-hour toll free number (800) 424-8802). The report [shall include the following]:
    - (i) Name and telephone number of reporter;
    - (ii) Name and address of facility;
    - (iii) Time and type of incident (for example, release, fire);
    - (iv) Name and quantity of material(s) involved, to the extent known;
    - (v) The extent of injuries, if any; and
    - (vi) The possible hazards to human health, or the environment, outside the facility.
- H. § 264.71, titled “Use of manifest system,” paragraph (a)~~(4)(2)(iv)~~ is amended as follows:
  - Within 30 days ~~after the of~~ after the delivery, send a copy of the ~~signed and dated manifest or a signed and dated copy of the shipping paper (if the manifest has not been received within 30 days after delivery)~~ to the generator [and submit one copy of each manifest to DEQ, according to R18-8-264~~(+)(J).~~ (+)(J).] and
- I. No change
- J. No change
  - 1. No change
  - 2. If a facility receiving hazardous waste from off-site is also a generator, the owner or operator shall also submit generator manifests as required by R18-8-262~~(+)(I).~~ (+)(I).]
- K. No change
- L. No change
- M. No change
- N. No change
- O. No change
- P. No change
  - 1. No change
  - 2. No change
  - 3. No change
  - 4. No change
  - 5. No change
  - 6. No change

**R18-8-265. Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities**

- A. All of 40 CFR 265 and accompanying appendices, revised as of ~~July 14, 2006~~ July 1, 2013 (and no future editions), with the exception of §§ 265.1(c)(2), 265.1(c)(4), 265.149, 265.150, and 265.430, is incorporated by reference, modified by the following subsections, and on file with the DEQ. Copies of 40 CFR 265 are available at [www.gpoaccess.gov/cfr/index.html](http://www.gpoaccess.gov/cfr/index.html).
- B. No change
- C. No change



- D. No change
  - 1. No change
  - 2. No change
- E. No change
- F. No change
- G. § 265.56, titled “Emergency procedures,” paragraph (d)(2) is amended as follows:
  - (2) [The emergency coordinator, or designee, immediately shall] notify [the DEQ at (602) 771-2330 or 800/234-5677, and notify] either the government official designated as the on-scene coordinator for that geographical area, ~~(in the applicable regional contingency plan under 40 CFR 1510)~~ or the National Response Center (using their 24-hour toll-free number 800/424-8802). The report [shall include the following]:
    - (i) Name and telephone number of the reporter;
    - (ii) Name and address of the facility;
    - (iii) Time and type of incident (for example, release, fire);
    - (iv) Name and quantity of material(s) involved, to the extent known;
    - (v) The extent of injuries, if any; and
    - (vi) The possible hazards to human health, or the environment, outside the facility.
- H. § 265.71, titled “Use of manifest system,” paragraph (a)~~(4)(2)(iv)~~ is amended as follows:
 

Within 30 days ~~after the of~~ delivery, send a copy of the ~~signed and dated manifest or a signed and dated copy of the shipping paper (if the manifest has not been received within 30 days after delivery)~~ to the generator [and submit one copy of each manifest to DEQ, according to R18-8-265~~(I)-(J)~~;] and
- I. No change
- J. No change
- K. § 265.90, titled “Applicability,” paragraphs (a) and (d)(1), and § 265.93, titled “Preparation, evaluation, and response,” paragraph ~~(3)(a)~~ (as incorporated by R18-8-265), are amended by deleting the following phrase: “within one year”; and § 265.90, titled “Applicability,” paragraph (d)(2) (as incorporated by R18-8-265), is amended by deleting the following phrase: “Not later than one year.”
- L. No change
- M. No change
- N. No change
  - 1. No change
  - 2. No change
  - 3. No change

**R18-8-266. Standards for the Management of Specific Hazardous Wastes and Specific Hazardous Waste Management Facilities**

- A. All of 40 CFR 266 and accompanying appendices, revised as of ~~July 14, 2006~~ July 1, 2013 (and no future editions), is incorporated by reference, modified by the following subsections, and on file with the DEQ. Copies of 40 CFR 266 are available at [www.gpoaccess.gov/cfr/index.html](http://www.gpoaccess.gov/cfr/index.html).
- B. § 266.100, titled “Applicability” paragraph (c) is amended as follows:
  - (c) The following hazardous wastes and facilities are not subject to regulation under this subpart:
    - (1) Used oil burned for energy recovery that is also a hazardous waste solely because it exhibits a characteristic of hazardous waste identified in subpart C of part 261 [(as incorporated by R18-8-261)] of this ~~Chapter~~ chapter. Such used oil is subject to regulation under [A.R.S. §§ 49-801 through 49-818] rather than this subpart;
    - (2) Gas recovered from hazardous or solid waste landfills when such gas is burned for energy recovery;
    - (3) Hazardous wastes that are exempt from regulation under §§ 261.4 and 261.6(a)(3)(iii)- and (iv) [(as incorporated by R18-8-261)] of this ~~Chapter~~ chapter, and hazardous wastes that are subject to the special requirements for conditionally exempt small quantity generators under § 261.5 [(as incorporated by R18-8-261)] of this ~~Chapter~~ chapter; and
    - (4) Coke ovens, if the only hazardous waste burned is EPA Hazardous Waste No. K087, decanter tank tar sludge from coking operations.

**R18-8-268. Land Disposal Restrictions**

All of 40 CFR 268 and accompanying appendices, revised as of ~~July 14, 2006~~ July 1, 2013 (and no future editions), with the exception of Part 268, Subpart B, is incorporated by reference and on file with the DEQ. Copies of 40 CFR 268 are available at [www.gpoaccess.gov/cfr/index.html](http://www.gpoaccess.gov/cfr/index.html).

**R18-8-270. Hazardous Waste Permit Program**

- A. All of 40 CFR 270 and the accompanying appendices, revised as of ~~July 14, 2006~~ July 1, 2013 (and no future editions), is incorporated by reference, modified by the following subsections, and on file with the DEQ with the exception of the following:
  - 1. §§ 270.1(a), 270.1(c)(1)(i), 270.3, 270.10(g)(1)(i), 270.60(a) and (b), and 270.64;
  - 2. The revisions for standardized permits as published at 70 FR 53419;
  - 3. The revisions to the solid waste definition as published at 73 FR 64668. ~~is incorporated by reference, modified by the following subsections, and on file with the DEQ.~~ Copies of 40 CFR 270 are available at [www.gpoaccess.gov/cfr/index.html](http://www.gpoaccess.gov/cfr/index.html).



- B. No change
  - 1. No change
    - a. No change
    - b. No change
    - c. No change
  - 2. No change
    - a. Waters of the state as defined in A.R.S. § 49-201(31), excluding surface impoundments as defined in § 260.10 (as incorporated by R18-8-260); and
    - b. No change
- C. No change
- D. No change
- E. No change
- F. No change
- G. No change
  - 1. No change
  - 2. No change
    - a. No change
    - b. No change
    - c. No change
  - 3. No change
  - 4. No change
  - 5. No change
    - a. No change
    - b. No change
      - i. No change
      - ii. No change
      - iii. No change
    - c. No change
    - d. No change
  - 6. No change
    - a. No change
    - b. No change
      - i. No change
      - ii. No change
      - iii. No change
      - iv. No change
      - v. No change
      - vi. No change
      - vii. No change
      - viii. No change
      - ix. No change
    - c. No change
  - 7. No change
  - 8. No change
  - 9. No change
- H. No change
- I. No change
- J. No change
- K. No change
- L. No change
- M. No change
- N. No change
- O. No change
- P. § 270.42, titled “Permit modification at the request of permittee”, paragraph (f)(3), is amended as follows:  
(3) An automatic authorization that goes into effect under paragraph (b)(6)(iii) or (v) of this section may be appealed under [Title 41, Chapter 6, Article 10, Arizona Revised Statutes.]
- ~~P-Q.~~ No change
- ~~Q-R.~~ No change
- ~~R-S.~~ § 270.65, titled “Research, development, and demonstration permits,” is amended as follows:
  - (a) The [Director] may issue a research, development, and demonstration permit for any hazardous waste treatment facility which proposes to utilize an innovative and experimental hazardous waste treatment technology or process for which permit standards for such experimental activity have not been promulgated under ~~Part~~ part 264 or 266



[(as incorporated by R18-8-264 and R18-8-266).] [A research, development, and demonstration] permit shall include such terms and conditions as will assure protection of human health and the environment. Such permits:

- (1) Shall provide for the construction of such facilities as necessary, and for operation of the facility for not longer than one year unless renewed as provided in paragraph (d) of this ~~subsection~~ section, and
  - (2) Shall provide for the receipt and treatment by the facility of only those types and quantities of hazardous waste which the [Director] deems necessary for purposes of determining the efficacy and performance capabilities of the technology or process and the effects of such technology or process on human health and the environment, and
  - (3) Shall include such requirements as the [Director] deems necessary to protect human health and the environment [, including requirements regarding monitoring, operation, financial responsibility, closure, and remedial action, and such requirements as the Director] deems necessary regarding testing and providing of information [relevant] to the [Director] with respect to the operation of the facility.
- (b) For the purpose of expediting review and issuance of permits under this ~~Section~~ section, the [Director] may, consistent with the protection of human health and the environment, modify or waive permit application and permit issuance requirements [, or add conditions to the permit in accordance with the permitting procedures set forth in R18-8-270 and R18-8-271,] except that there may be no modification or waiver of regulations regarding financial responsibility (including insurance) or of procedures regarding public participation.
- (c) The [Director] may order an immediate termination of all operations at the facility at any time [the Director] determines that termination is necessary to protect human health and the environment.
- (d) Any permit issued under this ~~subsection~~ section may be renewed not more than three times. Each such renewal shall be for a period of not more than one year.

~~S.T.~~ No change

U. § 270.155 titled “May the decision to approve or deny my RAP application be administratively appealed?”, paragraph (a), is amended as follows:

(a) Any commenter on the draft RAP or notice of intent to deny, or any participant in any public hearing(s) on the draft RAP, may appeal the Director’s decision to approve or deny your RAP application [under Title 41, Chapter 6, Article 10, Arizona Revised Statutes.] Any person who did not file comments, or did not participate in any public hearing(s) on the draft RAP, may petition for administrative review only to the extent of the changes from the draft to the final RAP decision. Appeals of RAPs may be made to the same extent as for final permit decisions under § 124.15 of this chapter [(as incorporated by R18-8-271)] (or a decision under § 270.29 [(as incorporated by R18-8-270)] to deny a permit for the active life of a RCRA hazardous waste management facility or unit.)

**R18-8-271. Procedures for Permit Administration**

- A. All of 40 CFR 124 ~~and the accompanying appendix~~, revised as of ~~July 1, 2006~~ July 1, 2013 (and no future editions), ~~relating to HWM facilities~~, with the exception of §§ 124.1 (b) through (e), 124.2, 124.4, 124.16, 124.20, ~~and~~ 124.21, ~~and subparts C, D, and G~~ and with the exception of the revisions for standardized permits as published at 70 FR 53419, is incorporated by reference, modified by the following subsections, and on file with the DEQ. Copies of 40 CFR 124 are available at [www.gpoaccess.gov/cfr/index.html](http://www.gpoaccess.gov/cfr/index.html).
- B. No change
- C. No change
- D. § 124.5, titled “Modification, revocation, and reissuance, or termination of permits,” is replaced by the following:
- (a) Permits may be modified, revoked, and reissued, or terminated either at the request of any interested person (including the permittee) or upon the Director’s initiative. However, permits may only be modified, revoked, and reissued, or terminated for the reasons specified in §§ 270.41 or 270.43 (as incorporated by R18-8-270). All requests shall be in writing and shall contain facts or reasons supporting the request.
  - (b) If the Director decides the request is not justified, the Director shall send the requester a brief written response giving a reason for the decision. Denials of requests for modification, revocation and reissuance, or termination are not subject to public notice, comment, or hearings.
  - (c) Modification, revocation or reissuance of permits procedures.
    - (1) If the Director tentatively decides to modify or revoke and reissue a permit under §§ 270.41 or 270.42(c) (as incorporated by R18-8-270), the Director shall prepare a draft permit under § 124.6 (as incorporated by R18-8-271(E)), incorporating the proposed changes. The Director may request additional information and, in the case of a modified permit, may require the submission of an updated application. In the case of revoked and reissued permits, the Director shall require the submission of a new application.
    - (2) In a permit modification under this [subsection], only those conditions to be modified shall be reopened when a new draft permit is prepared. All other aspects of the existing permit shall remain in effect for the duration of the unmodified permit. The permit modification shall have the same expiration date as the unmodified permit. When a permit is revoked and reissued under this subsection, the entire permit is reopened just as if the permit had expired and was being reissued. During any revocation and reissuance proceeding the permittee shall comply with all conditions of the existing permit until a new final permit is reissued.
    - (3) “Classes 1 and 2 modifications” as defined in § 270.42 (as incorporated by R18-8-270) are not subject to the requirements of this subsection.



- (d) If the Director tentatively decides to terminate a permit under § 270.43 (as incorporated by R18-8-270), the Director shall issue a notice of intent to terminate. A notice of intent to terminate is a type of draft permit which follows the same procedures as any draft permit prepared under § 124.6 (as incorporated by R18-8-271(E)). In the case of permits that are processed or issued jointly by both the DEQ and the EPA, a notice of intent to terminate shall not be issued if the Regional Administrator and the permittee agree to termination in the course of transferring permit responsibilities from the EPA to the state.
- (e) The Director shall base all draft permits, including notices of intent to terminate, prepared under this subsection on the administrative record as defined in § 124.9 (as incorporated by R18-8-271(H)).]

E. No change

F. No change

G. No change

H. No change

I. No change

J. No change

K. No change

L. No change

M. No change

N. No change

O. No change

P. No change

Q. § 124.19, titled “Appeal of RCRA, UIC, and PSD permits,” is replaced by the following:

A final permit decision (or a decision under § 270.29 (as incorporated by R18-8-270(A)) to deny a permit for the active life of a RCRA hazardous waste management facility or unit issued under § 124.15 (as incorporated by R18-8-271(N)) is an appealable agency action as defined in A.R.S. § ~~49-1092~~ 41-1092 and is subject to appeal under A.R.S. Title 41, Ch. 6, Art. 10.

R. No change

S. No change

T. No change

**R18-8-273. Standards for Universal Waste Management**

All of 40 CFR 273, revised as of ~~July 14, 2006~~ July 1, 2013 (and no future editions), is incorporated by reference and on file with the DEQ. Copies of 40 CFR 273 are available at [www.gpoaccess.gov/cfr/index.html](http://www.gpoaccess.gov/cfr/index.html).

## TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 8. DEPARTMENT OF ENVIRONMENTAL QUALITY  
HAZARDOUS WASTE MANAGEMENT

*Editor's Note: Article 1 was exempt from the regular rulemaking process (Laws 1995, Ch. 232 § 5). However the Department was required to provide a notice of hearing and public hearing before adoption of this rule. The emergency rules were approved by the Attorney General. (Supp. 96-1). Editor's Note added to clarify exemptions of emergency adoption (Supp. 97-1). The Article was adopted permanently effective December 4, 1997 (Supp. 97-4).*

## ARTICLE 1. REMEDIAL ACTION REQUIREMENTS

*Article 1, consisting of R18-8-101, adopted permanently through the regular rulemaking process, effective December 4, 1997 (Supp. 97-4).*

*Article 1, consisting of R18-8-101, adopted by emergency action effective March 22, 1996, pursuant to A.R.S. § 41-1026; in effect until permanent rules are adopted pursuant to Laws 1995, Chapter 232 § 5 (Supp. 96-1).*

## Section

R18-8-101. Remedial Action Requirements; Level and Extent of Cleanup

## ARTICLE 2. HAZARDOUS WASTES

*Article 2 consisting of Section R18-8-273 adopted effective June 13, 1996 (Supp. 96-2).*

*Article 2 consisting of Sections R9-8-1860 through R9-8-1866, R9-8-1869 through R9-8-1871, and R9-8-1880 amended and renumbered as Article 2, Sections R18-8-260 through R18-8-266, R18-8-269 through R18-8-271, and R18-8-280 (Supp. 87-2).*

## Section

R18-8-201. Hazardous Waste Fees for Fiscal Year 2011  
 R18-8-202. Reserved  
 R18-8-259. Reserved  
 R18-8-260. Hazardous Waste Management System: General  
 R18-8-261. Identification and Listing of Hazardous Waste  
 R18-8-262. Standards Applicable to Generators of Hazardous Waste  
 R18-8-263. Standards Applicable to Transporters of Hazardous Waste  
 R18-8-264. Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities  
 R18-8-265. Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities  
 R18-8-266. Standards for the Management of Specific Hazardous Wastes and Specific Hazardous Waste Management Facilities  
 R18-8-267. Reserved  
 R18-8-268. Land Disposal Restrictions  
 R18-8-269. Standards Applicable to the State-owned Hazardous Waste Facility  
 R18-8-270. Hazardous Waste Permit Program

R18-8-271. Procedures for Permit Administration  
 R18-8-272. Reserved  
 R18-8-273. Standards for Universal Waste Management  
 R18-8-274. Reserved  
 R18-8-275. Reserved  
 R18-8-276. Reserved  
 R18-8-277. Reserved  
 R18-8-278. Reserved  
 R18-8-279. Reserved  
 R18-8-280. Compliance

## ARTICLE 3. RECODIFIED

*Title 18, Chapter 8, Article 3, consisting of Sections R18-8-301 through R18-8-305, R18-8-307, Table A, Exhibit 1, and Appendices A and B, recodified to Title 18, Chapter 13, Article 13, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).*

*Article 3, consisting of Sections R18-8-301 through R18-8-305, adopted effective August 16, 1993 (Supp. 93-3).*

*Article 3, consisting of Section R18-8-306, adopted again by emergency action effective May 26, 1993, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 93-2).*

*Article 3, consisting of Section R18-8-306, adopted by emergency action effective February 22, 1993, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 93-1). Emergency expired.*

## Section

R18-8-301. Recodified  
 R18-8-302. Recodified  
 R18-8-303. Recodified  
 R18-8-304. Recodified  
 R18-8-305. Recodified  
 R18-8-306. Repealed  
 R18-8-307. Recodified  
 Table A. Recodified  
 Exhibit 1. Recodified  
 Appendix A. Recodified  
 Appendix B. Recodified

## ARTICLE 4. RECODIFIED

*Title 18, Chapter 8, Article 4, consisting of Section R18-8-402, recodified to Title 18, Chapter 13, Article 9, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).*

*Article 17 consisting of Sections R9-8-1711 and R9-8-1717 renumbered as Article 4, Sections R18-8-401 and R18-8-402 (Supp. 87-3).*

## Section

R18-8-401. Expired  
 R18-8-402. Recodified

## ARTICLE 5. RECODIFIED

*Title 18, Chapter 8, Article 5, consisting of Sections R18-8-502 through R18-8-512, recodified to Title 18, Chapter 13, Article 3, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).*

*Article 4 consisting of Sections R9-8-411 through R9-8-416, R9-8-421, R9-8-426 through R9-8-428, and R9-8-431 through R9-8-433 renumbered as Article 5, Sections R18-8-501 through R18-8-513 (Supp. 87-3).*

Section	
R18-8-501.	Expired
R18-8-502.	Recodified
R18-8-503.	Recodified
R18-8-504.	Recodified
R18-8-505.	Recodified
R18-8-506.	Recodified
R18-8-507.	Recodified
R18-8-508.	Recodified
R18-8-509.	Recodified
R18-8-510.	Recodified
R18-8-511.	Recodified
R18-8-512.	Recodified
R18-8-513.	Expired

**ARTICLE 6. RECODIFIED**

*Existing Sections in Article 6 recodified to 18 A.A.C. 13, Article 11 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).*

*Article 12 consisting of Sections R9-8-1211 through R9-8-1216, R9-8-1221 through R9-8-1225, R9-8-1231 through R9-8-1236, and R9-8-1241 through R9-8-1244 renumbered as Article 6, Sections R18-8-601 through R18-8-621 (Supp. 87-3).*

Section	
R18-8-601.	Expired
R18-8-602.	Recodified
R18-8-603.	Recodified
R18-8-604.	Recodified
R18-8-605.	Expired
R18-8-606.	Recodified
R18-8-607.	Expired
R18-8-608.	Recodified
R18-8-609.	Expired
R18-8-610.	Expired
R18-8-611.	Expired
R18-8-612.	Recodified
R18-8-613.	Recodified
R18-8-614.	Recodified
R18-8-615.	Recodified
R18-8-616.	Recodified
R18-8-617.	Recodified
R18-8-618.	Recodified
R18-8-619.	Recodified
R18-8-620.	Recodified
R18-8-621.	Expired

**ARTICLE 7. RECODIFIED**

*18 A.A.C. 8, Article 7, consisting of Sections R18-8-701 through R18-8-710, recodified to Title 18, Chapter 13, Article 12, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).*

*Article 7, consisting of Sections R18-8-701 through R18-8-708, adopted permanently with changes effective July 6, 1993 (Supp. 93-3).*

*Article 7, consisting of Sections R18-8-709 and R18-8-710, adopted again by emergency action effective May 6, 1993, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 93-2). Emergency expired.*

*Article 7, consisting of Sections R18-8-709 and R18-8-710, adopted by emergency action effective February 5, 1993, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 93-1).*

Section	
R18-8-701.	Recodified
R18-8-702.	Recodified
R18-8-703.	Recodified
R18-8-704.	Recodified
R18-8-705.	Recodified
R18-8-706.	Recodified
R18-8-707.	Recodified
R18-8-708.	Recodified
R18-8-709.	Recodified
R18-8-710.	Recodified

**ARTICLE 8. RESERVED**

**ARTICLE 9. RESERVED**

**ARTICLE 10. RESERVED**

**ARTICLE 11. RESERVED**

**ARTICLE 12. RESERVED**

**ARTICLE 13. RESERVED**

**ARTICLE 14. RESERVED**

**ARTICLE 15. RESERVED**

**ARTICLE 16. RECODIFIED**

*Article 16, consisting of Sections R18-8-1601 through R18-8-1614, recodified to 18 A.A.C. 13, Article 16 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).*

Section	
R18-8-1601.	Recodified
R18-8-1602.	Recodified
R18-8-1603.	Recodified
R18-8-1604.	Recodified
R18-8-1605.	Recodified
R18-8-1606.	Recodified
R18-8-1607.	Recodified
R18-8-1608.	Recodified
R18-8-1609.	Recodified
R18-8-1610.	Recodified
R18-8-1611.	Recodified
R18-8-1612.	Recodified
R18-8-1613.	Recodified
R18-8-1614.	Recodified

**ARTICLE 1. REMEDIAL ACTION REQUIREMENTS**

**R18-8-101. Remedial Action Requirements; Level and Extent of Cleanup**

- A. This Article is applicable to Chapter 8 of this Title.
- B. In any instance where soil remediation is done under this Chapter, it shall be conducted in accordance with A.A.C. R18-7-201 through R18-7-209.

**Historical Note**

Emergency rule adopted effective March 22, 1996, pursuant to A.R.S. §§ 49-152 and 41-1026; in effect until permanent rules are adopted (Supp. 96-1). Historical note revised to clarify exemptions of emergency adoption (Supp. 97-1 & Supp. 97-3). Adopted permanently through the regular rulemaking process, effective December 4, 1997 (Supp. 97-4).

**ARTICLE 2. HAZARDOUS WASTES**

**R18-8-201. Hazardous Waste Fees for Fiscal Year 2011**

- A. For large-quantity generators, beginning on July 1, 2010 and until June 30, 2011, the fees listed in A.R.S. § 49-931(A) are increased and superseded as follows:

1. In A.R.S. § 49-931(A)(1), \$10.00 per ton is replaced by \$70.00 per ton;
  2. In A.R.S. § 49-931(A)(2), \$40.00 per ton is replaced by \$280.00 per ton;
  3. In A.R.S. § 49-931(A)(3), \$4.00 per ton is replaced by \$28.00.
- B.** For small-quantity generators, in addition to the annual hazardous waste fee required under A.R.S. § 49-931(A) and R18-8-260 for Calendar Year 2010, a one-time hazardous waste fee shall be due within 30 days of the invoice postmark date for the increased fee as follows:
1. For activities described in A.R.S. § 49-931(A)(1), \$60.00 per ton;
  2. For activities described in A.R.S. § 49-931(A)(2), \$240.00 per ton;
  3. For activities described in A.R.S. § 49-931(A)(3), \$24.00 per ton.
- C.** In implementing the fees in subsections (A) and (B), the discount for compliance with pollution prevention planning requirements in A.R.S. § 49-931(A)(4) shall remain in effect.

#### Historical Note

New Section made by exempt rulemaking at 16 A.A.R. 846, effective July 1, 2010 (Supp. 10-2).

**R18-8-202. Reserved**

**through**

**R18-8-259. Reserved**

#### **R18-8-260. Hazardous Waste Management System: General**

- A.** Federal regulations cited in this Article are those revised as of July 1, 2006 (and no future editions), unless otherwise noted. 40 CFR 124, 260 through 266, 268, 270 and 273 or portions of these regulations, are incorporated by reference, as noted in the text. Federal statutes and regulations that are cited within 40 CFR 124, 260 through 270, and 273 that are not incorporated by reference may be used as guidance in interpreting federal regulatory language.
- B.** Any reference or citation to 40 CFR 124, 260 through 266, 268, 270, and 273, or portions of these regulations, appearing in the body of this Article and regulations incorporated by reference, includes any modification to the CFR section made by this Article. When federal regulatory language that has been incorporated by reference has been amended, brackets [ ] enclose the new language. The subsection labeling in this Article may or may not conform to the Secretary of State's formatting requirements, because the formatting reflects the structure of the incorporated federal regulations.
- C.** All of 40 CFR 260 and the accompanying appendix, revised as of January 29, 2007 (and no future editions), with the exception of 40 CFR 260.1(b)(4) through (6), 260.20(a), 260.21, 260.22, 260.30, 260.31, 260.32, and 260.33, and with the exception of the revisions for standardized permits as published at 70 FR 53419, is incorporated by reference, modified by the following subsections, and on file with the Department of Environmental Quality (DEQ). Copies of 40 CFR 260 are available at [www.gpoaccess.gov/cfr/index.html](http://www.gpoaccess.gov/cfr/index.html).
- D.** § 260.2, titled "Availability of information; confidentiality of information" is amended by the following:
1. § 260.2(a). Any information provided to [the DEQ] under [R18-8-260 et seq. shall] be made available to the public to the extent and in the manner authorized by the [Hazardous Waste Management Act (HWMA), A.R.S. § 49-921 et seq.; the Open Meeting Law, A.R.S. § 38-431 et seq.; the Public Records Statute, A.R.S. § 39-121 et seq.; the Administrative Procedure Act, A.R.S. § 41-1001 et seq.; and rules promulgated pursuant to the above-referenced statutes], as applicable.
  2. § 260.2(b) is replaced with the following:
    - a. The DEQ shall make a record or other information, such as a document, a writing, a photograph, a drawing, sound or a magnetic recording, furnished to or obtained by the DEQ pursuant to the HWMA and regulations promulgated thereunder, available to the public to the extent authorized by the Public Records Statute, A.R.S. §§ 39-121 et seq.; the Administrative Procedure Act, A.R.S. §§ 41-1001 et seq.; and the HWMA, A.R.S. §§ 49-921 et seq. Specifically, the DEQ shall disclose the records or other information to the public unless:
      - i. A statutory exemption authorizes the withholding of the information; or
      - ii. The record or other information contains a trade secret concerning processes, operations, style of work, or apparatus of a person, or other information that the Director determines is likely to cause substantial harm to the person's competitive position.
    - b. Notwithstanding subsection (a):
      - i. The DEQ shall make records and other information available to the EPA upon request without restriction;
      - ii. As required by the HWMA and regulations promulgated thereunder the DEQ shall disclose the name and address of a person who applies for, or receives, a HWM facility permit;
      - iii. The DEQ and any other appropriate governmental agency may publish quantitative and qualitative statistics pertaining to the generation, transportation, treatment, storage, or disposal of hazardous waste; and
      - iv. An owner or operator may expressly agree to the publication or to the public availability of records or other information.
    - c. A person submitting records or other information to the DEQ may claim that the information contains a confidential trade secret or other information likely to cause substantial harm to the person's competitive position. In the absence of such claim, the DEQ shall make the information available to the public on request without further notice. A person making a claim of confidentiality shall assert the claim:
      - i. At the time the information is submitted to, or otherwise obtained by, the DEQ
      - ii. By either stamping or clearly marking the words "confidential trade secret" or "confidential information" on each page of the material containing the information. The person may assert the claim only for those portions or pages that actually contain a confidential trade secret or confidential information; and
      - iii. During the course of a DEQ inspection, or other observation, pursuant to the administration of the HWMA Program, by clearly indicating to the inspector which specific processes, operations, styles of work, or apparatus constitute a trade secret. The inspector shall record the claim on the inspection report and the claimant shall sign the report.
    - d. The Director shall provide the claimant with an opportunity to submit written comments to demonstrate that the information constitutes a legitimate

confidential trade secret or confidential information. The comments shall be limited to confidential use by the DEQ pursuant to A.R.S. § 49-928. Pertinent factors to be considered by the Director for making a determination of confidentiality, and that the claimant may address in the claimant's written comments, include the following:

- i. Whether the information is proprietary;
  - ii. Whether the information has been disclosed to persons other than the employees, agents, or other representatives of the owner; and
  - iii. Whether public disclosure would harm the competitive position of the claimant.
- e. The Director shall make a determination of each confidentiality claim using the following procedures:
- i. When a claim of confidentiality is asserted for information submitted as part of a HWM facility permit application:
    - (1) The claimant shall submit written comments demonstrating the legitimacy of the claim of confidentiality; and
    - (2) The Director shall evaluate the confidentiality claim and notify the claimant of the result of that determination as part of the completeness review pursuant to § 124.3(c) (as incorporated by R18-8-271(C)).
  - ii. When a claim of confidentiality is asserted for information submitted or obtained during an inspection, or for any other information submitted to or obtained by the DEQ pursuant to this Article, but not as part of a HWM facility permit application:
    - (1) The claimant may submit written comments demonstrating the legitimacy of the claim of a confidential trade secret or other confidential information within 10 working days of asserting the confidentiality claim; and
    - (2) If a request for disclosure is made, the Director shall evaluate the confidentiality claim and notify the claimant of the result of that determination. In all other instances, the Director may, on the Director's own initiative, evaluate the confidentiality claim and notify the claimant of the result of that determination within 20 working days after the time for submission of comments.
  - iii. When any person, hereinafter referred to as the "requestor," submits a request to the DEQ for public disclosure of records or information, the DEQ shall disclose the records or information to the requestor unless the information has been determined to be confidential by the Director, or is subject to a claim of confidentiality that is being considered for determination by the Director.
    - (1) If a confidentiality claim is under consideration by the Director, the requestor shall be notified that the information requested is under a confidentiality claim consideration and therefore is unavailable for public disclosure pending the Director's determination pursuant to subsection (D)(2)(e)(ii)(2).
    - (2) When a request for disclosure is made, the claimant shall be notified, within seven working days by certified mail with return receipt requested, that the information under a claim of confidentiality has been requested and is subject to the Director's determination pursuant to subsection (D)(2)(e)(ii)(2).
    - (3) If the Director disagrees with the confidentiality claim, the claimant shall have 20 working days to submit written comments either agreeing or disagreeing with the Director's evaluation.
    - (4) If a confidentiality claim is denied by the Director, the Director may request the attorney general to seek a court order authorizing disclosure pursuant to A.R.S. § 49-928.
- f. Records or information determined by the Director to be legitimate confidential trade secrets or other confidential information shall not be disclosed by the DEQ at administrative proceedings pursuant to A.R.S. §§ 49-923(A) unless the following procedure is observed:
- i. The DEQ shall notify both the claimant and the hearing officer of its intention to disclose the information at least 30 days prior to the hearing date. The DEQ shall send with the notice a copy of the confidential information that the DEQ intends to disclose;
  - ii. The claimant and the DEQ shall be allowed 10 days to present to the hearing officer comments concerning the disclosure of such information;
  - iii. The hearing officer shall determine whether the confidential information is relevant to the subject of the administrative proceeding and shall allow disclosure upon finding that the information is relevant to the subject of the administrative proceeding;
  - iv. The hearing officer may set conditions for disclosure of confidential and relevant information or the making of protective arrangements and commitments as warranted; and
  - v. The hearing officer shall give the claimant at least five days' notice before allowing disclosure of the information in the course of the administrative proceeding.
- E. § 260.10, titled "Definitions," is amended by adding all definitions from § 270.2 (as incorporated by R18-8-260 and R18-8-270) to this Section, including the following changes, applicable throughout this Article unless specified otherwise:
1. ["Acute Hazardous Waste" means waste found to be fatal to humans in low doses or, in the absence of data on human toxicity, that has been shown in studies to have an oral lethal dose (LD) 50 toxicity (rat) of less than 50 milligrams per kilogram, an inhalation lethal concentration (LC) 50 toxicity (rat) of less than 2 milligrams per liter, or a dermal LD 50 toxicity (rabbit) of less than 200 milligrams per kilogram or that is otherwise capable of causing or significantly contributing to an increase in serious irreversible, or incapacitating reversible, illness.]
  2. ["Application" means the standard United States Environmental Protection Agency forms for applying for a permit, including any additions, revisions or modifications to the forms. Application also includes the informa-

## Department of Environmental Quality – Hazardous Waste Management

- tion required pursuant to §§ 270.14 through 270.29 (as incorporated by R18-8-270, regarding the contents of a Part B HWM facility permit application.)]
3. [“Biennial report” means “annual report.”]
  4. [“Chapter” means “Article” except in § 264.52(b), see R18-8-264, and § 265.52(b), see R18-8-265.]
  5. “Closure” means [, for facilities with effective hazardous waste permits, the act of securing a HWM facility pursuant to the requirements of R18-8-264. For facilities subject to interim status requirements, “closure” means the act of securing a HWM facility pursuant to the requirements of R18-8-265.]
  6. [“Concentration” means the amount of a substance in weight contained in a unit volume or weight.]
  7. [“Department” or “the DEQ” means the Department of Environmental Quality.]
  8. “Department of Transportation” or “DOT” means the U.S. Department of Transportation.
  9. [“Director” or “state Director” means the Director of the Department of Environmental Quality or an authorized representative, except in §§ 262.50 through 262.57, 268.5 through 268.6, 268.42(b), and 268.44 which are non-delegable to the state of Arizona.]
  10. [“Draft permit” means a document prepared under § 124.6 (as incorporated by R18-8-271(E)) indicating the Director’s tentative decision to issue, deny, modify, revoke, reissue, or terminate a permit. A denial of a request for modification, revocation, reissuance or termination, as discussed in § 124.5 (as incorporated by R18-8-271(D)), is not a draft permit.]
  11. [“Emergency permit” means a permit that is issued in accordance with § 270.61 (as incorporated by R18-8-270).]
  12. [“EPA,” “Environmental Protection Agency,” “United States Environmental Protection Agency,” “U.S. EPA,” “EPA HQ,” “EPA Regions,” and “Agency” mean the DEQ with the following exceptions:
    - a. Any references to EPA identification numbers;
    - b. Any references to EPA hazardous waste numbers;
    - c. Any reference to EPA test methods or documents;
    - d. Any reference to EPA forms;
    - e. Any reference to EPA publications;
    - f. Any reference to EPA manuals;
    - g. Any reference to EPA guidance;
    - h. Any reference to EPA Acknowledgment of Consent;
    - i. References in §§ 260.2(b) (as incorporated by R18-8-260(D)(2)); 260.10 (definitions of “Administrator,” “EPA region,” “Federal agency,” “Person,” and “Regional Administrator” (as incorporated by R18-8-260(E)); 260, Appendix I (as incorporated by R18-8-260(C)); 260.11(a) (as incorporated by R18-8-260); 261, Appendix IX (as incorporated by R18-8-261(A)); 262.32(b) (as incorporated by R18-8-262(A)); 262.50 through 262.57 (as incorporated by R18-8-262(A)); 262.80 through 262.89 (as incorporated by R18-8-262(A)); 262, Appendix (as incorporated by R18-8-262(A)); 263.10(a) Note (as incorporated by R18-8-263(A)); 264.12(a)(2), 264.71(d), 265.12(a)(2), 265.71(d); 268.1(e)(3) (as incorporated by R18-8-268); 268.5, 268.6, 268.42(b), and 268.44, which are non-delegable to the state of Arizona (as incorporated by R18-8-268); 270.1(a)(1) (as incorporated by R18-8-270); 270.1(b) (as incorporated by R18-8-270(B)); 270.2 (definitions of “Administrator,” “Approved program or Approved state,” “Director,” “Environmental Protection Agency,” “EPA,” “Final authorization,” “Permit,” “Person,” “Regional Administrator,” and “State/EPA agreement”) (as incorporated by R18-8-270(A)); 270.3 (as incorporated by R18-8-270(A)); 270.5 (as incorporated by R18-8-270(A)); 270.10(e)(1) through (2) (as incorporated by R18-8-270(A) and R18-8-270(D)); 270.11(a)(3) (as incorporated by R18-8-270(A)); 270.32(a) and (c) (as incorporated by R18-8-270(M) and R18-8-270(O)); 270.51 (as incorporated by R18-8-270(P)); 270.72(a)(5) and (b)(5) (as incorporated by R18-8-270(A)); 124.1(f) (as incorporated by R18-8-271(B)); 124.5(d) (as incorporated by R18-8-271(D)); 124.6(e) (as incorporated by R18-8-271(E)); 124.10(c)(1)(ii) (as incorporated by R18-8-271(I)); and 124.13 (as incorporated by R18-8-271(L)).]
  13. [“Federal Register” means a daily or weekly major local newspaper of general circulation, within the area affected by the facility or activity, except in §§ 260.11(b) (as incorporated by R18-8-260) and 270.10(e)(2) (as incorporated by R18-8-270 (D)).]
  14. [“HWMA” or “State HWMA” means the State Hazardous Waste Management Act, A.R.S. § 49-921 et seq., as amended.]
  15. [“Hazardous Waste Management facility” or “HWM facility” means any facility or activity, including land or appurtenances thereto, that is subject to regulation under this Article.]
  16. [“Key employee” means any person employed by an applicant or permittee in a supervisory capacity or empowered to make discretionary decisions with respect to the solid waste or hazardous waste operations of the applicant or permittee. Key employee does not include an employee exclusively engaged in the physical or mechanical collection, transportation, treatment, storage, or disposal of solid or hazardous waste.]
  17. [“National” means “state” in §§ 264.1(a) and 265.1(a) (as incorporated by R18-8-264 and R18-8-265).]
  18. [“Off-site” means any site that is not on-site.]
  19. [“Permit” means an authorization, license, or equivalent control document issued by the DEQ to implement the requirements of this Article. Permit includes “permit-by-rule” in § 270.60 (as incorporated by R18-8-270) and “emergency permit” in § 270.61 (as incorporated by R18-8-270), and it does not include interim status as in § 270.70 (as incorporated by R18-8-270) or any permit which has not yet been the subject of final action, such as a “draft permit” or a “proposed permit.”]
  20. [“Permit-by-rule” means a provision of this Article stating that a facility or activity is considered to have a HWM facility permit if it meets the requirements of the provision.]
  21. [“Physical construction” means excavation, movement of earth, erection of forms or structures, or similar activity to prepare a HWM facility to accept hazardous waste.]
  22. [“RCRA,” “Resource Conservation and Recovery Act,” “Subtitle C of RCRA,” “RCRA Subtitle C,” or “Subtitle C” when referring either to an operating permit or to the

- federal hazardous waste program as a whole, mean the “State Hazardous Waste Management Act, A.R.S. § 49-921 et seq., as amended” with the following exceptions:
- a. Any reference to a specific provision of “RCRA,” “Resource Conservation and Recovery Act,” “Subtitle C of RCRA,” “RCRA Subtitle C,” or “Subtitle C”;
  - b. References in §§ 260.10 (definition of “Act or RCRA”) (as incorporated by R18-8-260(E); 260, Appendix I, (as incorporated by R18-8-260(C)); 261, Appendix IX, (as incorporated by R18-8-261(A)); 262, Appendix, (as incorporated by R18-8-262(A)); 270.1(a)(2) (as incorporated by R18-8-270(A)); 270.2, definition of “RCRA,” (as incorporated by R18-8-270(A)); and 270.51, “EPA-issued RCRA permit,” (as incorporated by R18-8-270(P)).]
23. [Following any references to a specific provision of “RCRA,” “Resource Conservation and Recovery Act,” or “Subtitle C,” the phrase “or any comparable provisions of the state Hazardous Waste Management Act, A.R.S. § 49-921 et seq., as amended” shall be deemed to be added except in §§ 270.72(a)(5) and (b)(5) (as incorporated by R18-8-270(A)).]
  24. [“RCRA § 3005(a) and (e)” means “A.R.S. § 49-922.”]
  25. [“RCRA § 3007” means “A.R.S. § 49-922.”]
  26. [“Recyclable Materials” mean hazardous wastes that are recycled.]
  27. [“Region” or “Region IX” means “state” or “state of Arizona.”]
  28. [“Schedule of compliance” means a schedule of remedial measures included in a permit, including an enforceable sequence of interim requirements, such as actions, operations, or milestone events, leading to compliance with the HWMA and this Article.]
  29. [“Site” means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.]
  30. [“State,” “authorized state,” “approved state,” or “approved program” means the state of Arizona with the following exceptions:
 

References at §§ 260.10, definitions of “person,” “state,” and “United States,” (as incorporated by R18-8-260(E)); 262 (as incorporated by R18-8-262(A)); 264.143(e)(1) (as incorporated by R18-8-264(A)); 264.145(e)(1) (as incorporated by R18-8-264(A)); 264.147(a)(1)(ii) (as incorporated by R18-8-264(A)); 264.147(b)(1)(ii) (as incorporated by R18-8-264(A)); 264.147(g)(2) (as incorporated by R18-8-264(A)); 264.147(i)(4) (as incorporated by R18-8-264(A)); 265.143(d)(1) (as incorporated by R18-8-265(A)); 265.145(d)(1) (as incorporated by R18-8-265(A)); 265.147(a)(1)(ii) (as incorporated by R18-8-265(A)); 265.147(g)(2) (as incorporated by R18-8-265(A)); 265.147(i)(4) (as incorporated by R18-8-265(A)); and 270.2, definitions of “Approved program or Approved state,” “Director,” “Final authorization,” “Person,” and “state” (as incorporated by R18-8-270(A)).]
  31. [“The effective date of these regulations” means the following dates: “May 19, 1981,” in §§ 265.112(a) and (d), 265.118(a) and (d), 265.142(a) and 265.144(a) (as incorporated by R18-8-265); “November 19, 1981,” in §§ 265.112(d) and 265.118(d) (as incorporated by R18-8-265); and “January 26, 1983,” in § 270.1(c) (as incorporated by R18-8-270).]
  32. [“TSD facility” means a “Hazardous Waste Management facility” or “HWM facility.”]
- F.** § 260.10, titled “Definitions,” as amended by subsection (E) also is amended as follows, with all definitions in §§ 260.10 (as incorporated by R18-8-260), applicable throughout this Article unless specified otherwise.
1. “Act” or [“the Act” means the state Hazardous Waste Management Act or HWMA, except in R18-8-261(B) and R18-8-262(B).]
  2. “Administrator,” “Regional Administrator,” “state Director,” or “Assistant Administrator for Solid Waste and Emergency Response” mean the [Director or the Director’s authorized representative, except in § 260.10, definitions of “Administrator,” “Regional Administrator,” and “hazardous waste constituent” (as incorporated by R18-8-260(E)); 261, Appendix IX (as incorporated by R18-8-261(A)); 262, Subpart E; 262, Subpart H; 262, Appendix (as incorporated by R18-8-262); 264.12(a) (as incorporated by R18-8-264(A)); 265.12(a) (as incorporated by R18-8-265(A)); 268.5, 268.6, 268.42(b), and 268.44, which are non-delegable to the state of Arizona (as incorporated by R18-8-268); 270.2, definitions of “Administrator,” “Director,” “Major facility,” “Regional Administrator,” and “State/EPA agreement” (as incorporated by R18-8-270(A)); 270.3 (as incorporated by R18-8-270(A)); 270.5 (as incorporated by R18-8-270(A)); 270.10(e)(1), (2), and (4) (as incorporated by R18-8-270(A) and R18-8-270(D)); 270.10(f) and (g) (as incorporated by R18-8-270(A) and R18-8-270(E)); 270.11(a)(3) (as incorporated by R18-8-270(A)); 270.14(b)(20) (as incorporated by R18-8-270(A)); 270.32(b)(2) (as incorporated by R18-8-270(N)); 270.51 (as incorporated by R18-8-270(A)); 124.5(d) (as incorporated by R18-8-271(D)); 124.6(e) (as incorporated by R18-8-271(E)); 124.10(b) (as incorporated by R18-8-271(I));]
  3. “Facility” [or “activity” means:
    - a. Any HWM facility or other facility or activity, including] all contiguous land, structures, appurtenances, and improvements on the land [which are] used for treating, storing, or disposing of hazardous waste, [that is subject to regulation under the HWMA program]. A facility may consist of several treatment, storage, or disposal operational units ([that is], one or more landfills, surface impoundments, or combinations of them).
    - b. For the purposes of implementing corrective action under 40 CFR 264.101 (as incorporated by R18-8-264), all contiguous property under the control of the owner or operator seeking a permit under Subtitle C of RCRA. This definition also applies to facilities implementing corrective action under RCRA Section 3008(h).

- c. Notwithstanding paragraph (b) of this definition, a remediation waste management site is not a facility that is subject to 40 CFR 264.101 (as incorporated by R18-8-264), but is subject to corrective action requirements if the site is located within such a facility.
4. [“Member of the Performance Track Program” or “Performance Track member facility” means a facility or generator that has been accepted by EPA for membership in the National Environmental Performance Track Program (as described at <http://www.epa.gov/performance-track/>) and by DEQ for membership in the Arizona Environmental Performance Track Program (as described at <http://www.azdeq.gov/function/about/track.html>) and is still a member of both programs. The Environmental Performance Track Programs are voluntary programs for top environmental performers. Facility members must demonstrate a good record of compliance, past success in achieving environmental goals, and commit to future specific quantified environmental goals, environmental management systems, local community outreach, and annual reporting of measurable results.]
5. “New HWM facility” or “new facility” means a HWM facility which began operation, or for which construction commenced, [after November 19, 1980].
6. “Person” means an individual, trust, firm, joint stock company, federal agency, corporation, including a government corporation, [or a limited liability corporation], partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body, [state agency, or an agent or employee of a state agency].
7. “United States” means [Arizona except the following:
- References in §§ 262.50, 262.51, 262.53(a), 262.54(c), 262.54(g)(2), 262.54(i), 262.55(a), 262.55(c), 262.56(a)(4), 262.60(a), and 262.60(b)(2) (as incorporated by R18-8-262).
  - All references in Part 263 (as incorporated by R18-8-263), except §§ 263.10(a) and 263.22(c).]
- G.** § 260.20(a), titled “General” pertaining to rulemaking petitions, is replaced by the following:
- Where the Administrator of EPA has granted a rulemaking petition pursuant to 40 CFR 260.20(a), 260.21, or 260.22, the Director may accept the Administrator’s determination and amend the Arizona rules accordingly, if the Director determines the action to be consistent with the policies and purposes of the HWMA.
- H.** § 260.20(c) and (e) are amended by replacing “*Federal Register*” with “*Arizona Administrative Register*.”
- I.** § 260.23, titled “Petitions to amend 40 CFR 273 to include additional hazardous wastes” pertaining to rulemaking petitions, is amended as follows: (a) Any person seeking to add a hazardous waste or a category of hazardous waste to the universal waste regulations of part 273 of this Chapter may petition for a regulatory amendment under this Section, 40 CFR 260.20(b) through (e), and Subpart G of 40 CFR 273.
- J.** § 260.30, titled “Variances from classification as a solid waste,” is replaced by the following: Any person wishing to submit a variance petition shall submit the petition, under this subsection, to the EPA. Where the administrator of EPA has granted a variance from classification as a solid waste under 40 CFR 260.30, 260.31, and 260.33, the director shall accept the determination, if the director determines the action is consistent with the policies and purposes of the HWMA.
- K.** § 260.32, titled “Variances to be classified as a boiler,” is replaced by the following:
- Any person wishing to submit a variance petition shall submit the petition, under this subsection, to the EPA. Where the administrator of EPA has granted a variance from classification as a boiler pursuant to 40 CFR 260.32 and 260.33, the director shall accept the determination, if the director determines the action is consistent with the policies and purposes of the HWMA.
- L.** 40 CFR 260.41, titled “Procedures for case-by-case regulation of hazardous waste recycling activities,” is amended by deleting the following from the end of the sixth, seventh and eighth sentences of paragraph (a):
- “Or unless review by the Administrator is requested. The order may be appealed to the administrator by any person who participated in the public hearing. The Administrator may choose to grant or to deny the appeal.”
- M.** As required by A.R.S. § 49-929, generators and transporters of hazardous waste shall register annually with DEQ and submit the appropriate registration fee, prescribed below, with their registration:
- A hazardous waste transporter that picks up or delivers hazardous waste in Arizona shall pay \$200 by March 1 of the year following the date of the pick-up or delivery;
  - A large-quantity generator that generated 1,000 kilograms or more of hazardous waste in any month of the previous calendar year shall pay \$300; or
  - A small-quantity generator that generated 100 kilograms or more but less than 1,000 kilograms of hazardous waste in any month of the previous year shall pay \$100.
- N.** A person shall pay hazardous waste generation and disposal fees as required under A.R.S. § 49-931. The DEQ shall send an invoice to large-quantity generators quarterly and small-quantity generators annually. The person shall pay an invoice within 30 days of the postmark on the invoice. The following hazardous waste fees shall apply:
- A person who generates hazardous waste that is shipped offsite shall pay \$67.50 per ton but not more than \$200,000 per generator site per year of hazardous waste generated;
  - An owner or operator of a facility that disposes of hazardous waste shall pay \$270 per ton but not more than \$5,000,000 per disposal site per year of hazardous waste disposed; and
  - A person who generates hazardous waste that is retained onsite for disposal or that is shipped offsite for disposal to a facility that is owned and operated by that generator shall pay \$27 per ton but not more than \$160,000 per generator site per year of hazardous waste disposed.

#### Historical Note

Adopted effective July 24, 1984 (Supp. 84-4). Amended subsections (A), (C), and (E) effective June 27, 1985 (Supp. 85-3). Amended subsections (A) and (C) effective August 5, 1986 (Supp. 86-4). Former Section R9-8-1860 renumbered as Section R18-8-260, and subsections (A) and (C) amended effective May 29, 1987 (Supp. 87-2). Amended subsections (D) and (E) effective December 1, 1988 (Supp. 88-4). Amended effective October 11, 1989 (Supp. 89-4). Amended effective August 14, 1991 (Supp. 91-3). Amended effective October 6, 1992 (Supp. 92-4). Amended effective December 2, 1994 (Supp. 94-4). Amended effective December 7, 1995 (Supp. 95-4). Amended effective June 13, 1996 (Supp. 96-2). Amended effective August 8, 1997 (Supp. 97-3). Amended effective June 4, 1998; R18-8-260 corrected, text was inadvertently omitted (Supp. 98-2). Amended by final rulemaking at 5 A.A.R. 4625, effective November 15, 1999 (Supp. 99-4). Amended by final rulemaking at 6

A.A.R. 3093, effective July 24, 2000 (Supp. 00-3). Amended by final rulemaking at 9 A.A.R. 816, effective April 15, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 4364, effective December 4, 2004 (Supp. 04-4). Amended by final rulemaking at 11 A.A.R. 5523, effective February 4, 2006 (Supp. 05-4). Amended by final rulemaking at 12 A.A.R. 3061, effective October 1, 2006 (Supp. 06-3). Amended by final rulemaking at 14 A.A.R. 409, effective March 8, 2008 (Supp. 08-1). Subsections in R18-8-260(F)(2) reinstated at request of the Department after a clerical error in 9 A.A.C. 816 omitted the subsections from the rule text, Office File No. M10-288, filed July 20, 2010 (Supp. 10-2). Amended by final rulemaking at 18 A.A.R. 1202, effective July 1, 2012 (Supp. 12-2).

#### **R18-8-261. Identification and Listing of Hazardous Waste**

- A.** All of 40 CFR 261 and accompanying appendices, revised as of January 29, 2007 (and no future editions), with the exception of the revisions for standardized permits as published at 70 FR 53419, is incorporated by reference, modified by the following subsections, and on file with the DEQ. Copies of 40 CFR 261 are available at [www.gpoaccess.gov/cfr/index.html](http://www.gpoaccess.gov/cfr/index.html).
- B.** In the above-adopted federal regulations “Section 1004(5) of RCRA” or “Section 1004(5) of the Act” means A.R.S. § 49-921(5).
- C.** § 261.4, titled “Exclusions,” paragraph (b)(6)(i), is amended as follows:
- (i) Wastes which fail the test for the Toxicity Characteristic because chromium is present or are listed in Subpart D [(as incorporated by R18-8-261)] due to the presence of chromium, which do not fail the test for the Toxicity Characteristic for any other constituent or are not listed due to the presence of any other constituent, and which do not fail the test for any other characteristic, if [documentation is provided to the Director] by a waste generator or by waste generators that:
    - (A) The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium; and
    - (B) The waste is generated from an industrial process which uses trivalent chromium exclusively (or nearly exclusively) and the process does not generate hexavalent chromium; and
    - (C) The waste is typically and frequently managed in non-oxidizing environments.
- D.** § 261.4, titled “Exclusions,” is amended by deleting the phrase “in the Region where the sample is collected” in paragraph (e)(3).
- E.** § 261.5, titled “Special requirements for hazardous waste generated by conditionally exempt small quantity generators,” paragraph (b) is amended as follows:
- (b) Except for those wastes identified in paragraphs (e), (f), (g), and (j) of [§ 261.5 (as incorporated by R18-8-261)], a conditionally exempt small quantity generator’s hazardous wastes are not subject to regulation under [R18-8-262 through R18-8-266, R18-8-268, R18-8-270, and R18-8-271 of this Article], and the notification requirements of Section 3010 of RCRA, provided the generator complies with the requirements of paragraphs (f), (g), and (j) of [§ 261.5 (as incorporated by R18-8-261)]. [However, the Director may require reports of any conditionally exempt small quantity generator or group of conditionally exempt small quantity generators regarding the treatment, storage, transportation, disposal, or management of hazardous waste if the hazardous waste of such generator or generators poses a substantial present or potential hazard to human health or the environment, when it is improperly treated, stored, transported, disposed, or otherwise managed.]
- F.** § 261.5, titled “Special requirements for hazardous waste generated by conditionally exempt small quantity generators,” paragraph (f)(3) is amended as follows:
- (3) A conditionally exempt small quantity generator may either treat or dispose of [the] acute hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility, either of which is:
    - (i) Permitted under part 270 of this Chapter [(as incorporated by R18-8-270)];
    - (ii) In interim status under parts 270 and 265 of this Chapter [(as incorporated by R18-8-270 and R18-8-265)];
    - (iii) Authorized to manage hazardous waste by a state with a hazardous waste management program approved under part 271 of this Chapter;
    - (iv) Permitted, licensed, or registered by a state to manage municipal [or industrial solid waste and approved by the owner or operator of the solid waste facility to accept acute hazardous waste from conditionally exempt small quantity generators that have not been excluded from disposing of their waste at such a facility under applicable provisions of the Solid Waste Management Act, A.R.S. §§ 49-701 through 49-791 and] is subject to Part 258 of this Chapter;
    - (v) Permitted, licensed, or registered by a state to manage non-municipal non-hazardous waste and, if managed in a non-municipal non-hazardous waste disposal unit after January 1, 1998, is subject to the requirements in §§ 257.5 through 257.30 of this chapter; or
    - (vi) A facility which:
      - (A) Beneficially uses or reuses, or legitimately recycles or reclaims its waste; or
      - (B) Treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation; or
    - (vii) For universal waste managed under § 273 [(as incorporated by R18-8-273)], a universal waste handler or destination facility subject to the requirements of § 273.
- G.** § 261.5, titled “Special requirements for hazardous waste generated by conditionally exempt small quantity generators,” paragraph (g) is amended as follows:
- (g) In order for hazardous waste [, other than acute hazardous waste,] generated by a conditionally exempt small quantity generator in quantities of less than 100 kilograms of hazardous waste during a calendar month to be excluded from full regulation under this [subsection], the generator [shall] comply with the following requirements:
    - (1) § 262.11 [(as incorporated by R18-8-262)];
    - (2) The conditionally exempt small quantity generator may accumulate hazardous waste on-site. If [such generator] accumulates at any time more than a total of 1,000 kilograms of hazardous wastes, all of those accumulated [hazardous] wastes are subject to regulation under the special provisions of § 262 applicable to generators of between 100 kg and 1000 kg of hazardous waste in a calendar month as well as the requirements of §§ 263 through 266, 268, 270, and 271 [as incorporated by R18-8-262, R18-8-263 through R18-8-266, R18-8-268, R18-8-270, and R18-8-271)] and the applicable notification requirements of section 3010 of RCRA. The time period of § 262.34(d) [(as incorporated by R18-8-262)] for

accumulation of wastes on-site begins for a conditionally exempt small quantity generator when the accumulated wastes exceed 1,000 kilograms;

- (3) A conditionally exempt small quantity generator may either treat or dispose of [its] hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility, either of which is:

- (i) Permitted under part 270 of this Chapter [(as incorporated by R18-8-270)];
- (ii) In interim status under parts 270 and 265 of this Chapter [(as incorporated by R18-8-270 and R18-8-265)];
- (iii) Authorized to manage hazardous waste by a State with a hazardous waste management program approved under part 271 of this Chapter;
- (iv) Permitted, licensed, or registered by a state to manage municipal [or industrial solid waste and approved by the owner or operator of the solid waste facility to accept hazardous waste from conditionally exempt small quantity generators who have not been excluded from disposing of their waste at such a facility pursuant to applicable provisions of the Solid Waste Management Act, A.R.S. §§ 49-701 through 49-791 and] is subject to Part 258 of this Chapter;
- (v) Permitted, licensed, or registered by a state to manage non-municipal non-hazardous waste and, if managed in a non-municipal non-hazardous waste disposal unit after January 1, 1998, is subject to the requirements in §§ 257.5 through 257.30 of this chapter; or
- (vi) A facility which:
  - (A) Beneficially uses or reuses, or legitimately recycles or reclaims its waste; or
  - (B) Treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation; or
- (vii) For universal waste managed under part 273 of this Chapter [(as incorporated by R18-8-273)], a universal waste handler or destination facility subject to the requirements of part 273 of this Chapter.

- H.** § 261.5, titled “Special requirements for hazardous waste generated by conditionally exempt small quantity generators,” paragraph (j) is amended as follows:

- (j) If a conditionally exempt small quantity generator’s wastes are mixed with used oil, the mixture is subject to 40 CFR 279 [(as incorporated by A.R.S. § 49-802 into Arizona law)]. Any material produced from such a mixture by processing, blending, or other treatment is also so regulated.

- I.** § 261.6, titled “Requirements for recyclable materials,” paragraphs (a)(1) through (a)(3) are amended as follows:

- (a)(1) Hazardous wastes that are recycled are subject to the requirements for generators, transporters, and storage facilities of paragraphs (b) and (c) of this section, except for the materials listed in paragraphs (a)(2) and (a)(3) of this section. Hazardous wastes that are recycled [shall] be known as “recyclable materials.”
- (2) The following recyclable materials are not subject to the requirements of this section but are regulated under [40 CFR 266, subparts C, F, G, and H (as incorporated by R18-8-266)] and all applicable provisions in parts 270 and 124 of this Chapter [(as incorporated by R18-8-270 and R18-8-271)]:

- (i) Recyclable materials used in a manner constituting disposal (40 CFR 266, subpart C);
  - (ii) Hazardous wastes burned for energy recovery in boilers and industrial furnaces that are not regulated under [40 CFR 264 or 265, subpart O (as incorporated by R18-8-264 and R18-8-265)] (40 CFR 266, subpart H);
  - (iii) Recyclable materials from which precious metals are reclaimed (40 CFR 266, subpart F);
  - (iv) Spent lead acid batteries that are being reclaimed (40 CFR 266, subpart G).
  - (v) U.S. Filter Recovery Services XL waste (40 CFR 266, subpart O).
- (3) The following recyclable materials are not subject to regulation under [40 CFR 262 through 266, 268, 270, or 124 (as incorporated by R18-8-262 through R18-8-266, R18-8-268, R18-8-270, and R18-8-271)] and are not subject to the notification requirements of section 3010 of RCRA:
- (i) Industrial ethyl alcohol that is reclaimed except that, unless provided otherwise in an international agreement as specified in § 262.58:
    - (A) A person initiating a shipment for reclamation in a foreign country, and any intermediary arranging for the shipment, [shall] comply with the requirements applicable to a primary exporter in §§ 262.53, 262.56(a)(1)-(4), (6), and (b), and 262.57, export such materials only upon consent of the receiving country and in conformance with the EPA Acknowledgment of Consent as defined in subpart E of part 262, and provide a copy of the EPA Acknowledgment of Consent to the shipment to the transporter transporting the shipment for export;
    - (B) Transporters transporting a shipment for export may not accept a shipment if [the transporter] knows the shipment does not conform to the EPA Acknowledgment of Consent, [shall] ensure that a copy of the EPA Acknowledgment of Consent accompanies the shipment and [shall] ensure that [the EPA Acknowledgment of Consent] is delivered to the [subsequent transporter or] facility designated by the person initiating the shipment.
  - (ii) Scrap metal that is not excluded under § 261.4(a)(13);
  - (iii) Fuels produced from the refining of oil-bearing hazardous wastes along with normal process streams at a petroleum refining facility if such wastes result from normal petroleum refining, production, and transportation practices (this exemption does not apply to fuels produced from oil recovered from oil-bearing hazardous waste, where such recovered oil is already excluded under § 261.4(a)(12) (as incorporated by R18-8-261);
  - (iv) (A) Hazardous waste fuel produced from oil-bearing hazardous wastes from petroleum refining, production, or transportation practices, or produced from oil reclaimed from such hazardous wastes, where such hazardous wastes are reintroduced into a process that does not use distillation or does not produce products from crude oil so long as the resulting fuel meets the used oil specification under [A.R.S. § 49-801] and so long as no other hazardous wastes are used to produce the hazardous waste fuel;

- (B) Hazardous waste fuel produced from oil-bearing hazardous waste from petroleum refining[,] production, and transportation practices, where such hazardous wastes are reintroduced into a refining process after a point at which contaminants are removed, so long as the fuel meets the used oil fuel specification under [A.R.S. § 49-801]; and
- (C) Oil reclaimed from oil-bearing hazardous wastes from petroleum refining, production, and transportation practices, which reclaimed oil is burned as a fuel without reintroduction to a refining process, so long as the reclaimed oil meets the used oil fuel specification under [A.R.S. § 49-801].
- J.** § 261.6, titled “Requirements for recyclable materials,” paragraph (c) is amended by adding the following:
- (3) Each facility that recycles hazardous waste received from off-site and that is not otherwise required to submit an annual report under R18-8-262 through R18-8-265 shall submit Form IC, “Identification and Certification,” of the Facility Annual Hazardous Waste Report to the Director by March 1 for the preceding calendar year. The annual report shall be mailed to: ADEQ, Hazardous Waste Facilities Assistance Unit, 1110 W. Washington St., Phoenix, AZ 85007. The annual report shall be submitted on a form provided by the DEQ according to the instructions for the form.]
- K.** § 261.11, titled “Criteria for listing hazardous waste,” paragraph (a) is amended as follows:
- (a) The [Director] shall list a solid waste as a hazardous waste only upon determining that the solid waste meets one of the following criteria:
- (1) It exhibits any of the characteristics of hazardous waste identified in subpart C [(as incorporated by R18-8-261)].
  - (2) It has been found to be fatal to humans in low doses or, in the absence of data on human toxicity, it has been shown in studies to have an oral LD 50 toxicity (rat) of less than 50 milligrams per liter, or a dermal LD 50 toxicity (rabbit) of less than 200 milligrams per kilogram or is otherwise capable of causing or significantly contributing to an increase in serious irreversible, or incapacitating reversible, illness. (Waste listed in accordance with these criteria shall be designated Acute Hazardous Waste.)
  - (3) It contains any of the toxic constituents listed in Appendix VIII [(as incorporated by R18-8-261)] and, after considering the following factors, the [Director] concludes that the waste is capable of posing a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed:
    - (i) The nature of the toxicity presented by the constituent.
    - (ii) The concentration of the constituent in the waste.
    - (iii) The potential of the constituent or any toxic degradation product of the constituent to migrate from the waste into the environment under the types of improper management considered in (a)(3)(vii) of this [subsection].
    - (iv) The persistence of the constituent or any toxic degradation product of the constituent.
    - (v) The potential for the constituent or any toxic degradation product of the constituent to degrade into nonharmful constituents and the rate of degradation.
    - (vi) The degree to which the constituent or any degradation product of the constituent bioaccumulates in ecosystems.
    - (vii) The plausible types of improper management to which the waste could be subjected.
    - (viii) The quantities of the waste generated at individual generation sites or on a regional or national basis.
    - (ix) The nature and severity of the human health and environmental damage that has occurred as a result of the improper management of wastes containing the constituent.
    - (x) Action taken by other governmental agencies or regulatory programs based on the health or environmental hazard posed by the waste or waste constituent.
    - (xi) Such other factors as may be appropriate.

#### Historical Note

Adopted effective July 24, 1984 (Supp. 84-4). Amended subsection (A) effective June 27, 1985 (Supp. 85-3). Amended subsections (A) and (E) effective August 5, 1986 (Supp. 86-4). Former Section R9-8-1861 renumbered as Section R18-8-261, and subsections (A), (D) and (F) amended effective May 29, 1987 (Supp. 87-2). Amended subsection (B) effective December 1, 1988 (Supp. 88-4). Amended effective October 11, 1989 (Supp. 89-4). Amended effective August 14, 1991 (Supp. 91-3). Amended effective October 6, 1992 (Supp. 92-4). Amended effective December 2, 1994 (Supp. 94-4). Amended effective December 7, 1995 (Supp. 95-4). Amended effective June 13, 1996 (Supp. 96-2). Amended effective August 8, 1997 (Supp. 97-3). Amended effective June 4, 1998 (Supp. 98-2). Amended by final rulemaking at 5 A.A.R. 4625, effective November 15, 1999 (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 3093, effective July 24, 2000 (Supp. 00-3). Amended by final rulemaking at 9 A.A.R. 816, effective April 15, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 4364, effective December 4, 2004 (Supp. 04-4). Amended by final rulemaking at 11 A.A.R. 5523, effective February 4, 2006 (Supp. 05-4). Amended by final rulemaking at 12 A.A.R. 3061, effective October 1, 2006 (Supp. 06-3). Amended by final rulemaking at 14 A.A.R. 409, effective March 8, 2008 (Supp. 08-1).

#### R18-8-262. Standards Applicable to Generators of Hazardous Waste

- A.** All of 40 CFR 262 and the accompanying appendix, revised as of July 14, 2006 (and no future editions), is incorporated by reference, modified by the following subsections, and on file with the DEQ. Copies of 40 CFR 262 are available at [www.gpoaccess.gov/cfr/index.html](http://www.gpoaccess.gov/cfr/index.html).
- B.** In 40 CFR 262 (as incorporated by R18-8-262(A)):
1. [“Section 3008 of the Act” means A.R.S. §§ 49-923, 49-924 and 49-925.]
  2. [“Section 2002(a) of the Act” means A.R.S. § 49-922.]
  3. [“Section 3002(6) of the Act” means A.R.S. § 49-922.]
- C.** § 262.10, titled “Purpose, scope, and applicability,” paragraph (i) is amended as follows:
- (i) [For the limited time period required to control, mitigate, or eliminate the immediate threat,] persons responding to an explosives or munitions emergency in accordance with

40 CFR 264.1(g)(8)(i)(D) or (iv), or 265.1(c)(11)(i)(D) or (iv), and 270.1(c)(3)(i)(D) or (iii) are not required to comply with the standards of this part. [As soon as the immediate response activities are completed, all standards of this part apply. For purposes of this rule, DEQ does not consider emergency response personnel to be generators of residuals resulting from immediate responses, unless they are also the owner of the object of an emergency response. The owner of the object of an emergency response, the owner of the property on which the object of an emergency rests or where the emergency response initiates, or the requestor for an emergency response is responsible for addressing any residual contamination that results from an emergency response.]

**D.** § 262.11, titled “Hazardous waste determination,” paragraph (c)(1) is amended by deleting the following:

(1) “, or according to an equivalent method approved by the Administrator under 40 CFR 260.21.”

**E.** § 262.12, titled “EPA identification numbers,” paragraphs (a) and (b) are amended as follows:

(a) A generator must not treat, store, dispose of, transport, or offer for transportation, hazardous waste without having received an EPA identification number from the [DEQ].

(b) A generator who has not received an EPA identification number may obtain one by applying to the [DEQ] using EPA form 8700-12. [The completed form shall be mailed or delivered to: ADEQ, Hazardous Waste Facilities Assistance Unit, 1110 W. Washington St., Phoenix, AZ 85007.] Upon receiving the request, the [DEQ] will assign an EPA identification number to the generator.

**F.** § 262.23, titled “Use of the manifest,” paragraph (a) is amended by adding the following:

[(4) Submit one (1) copy of each manifest to the DEQ in accordance with R18-8-262(I).]

**G.** § 262.34, titled “Accumulation time,” paragraph (d)(5)(iv)(C) is amended as follows:

(C) In the event of a fire, explosion, or other release which could threaten human health outside the facility or when the generator has knowledge that a spill has reached surface water [or when a spill has discharged into a storm sewer or dry well, or such an event has resulted in any other discharge that may reach groundwater], the generator immediately [shall] notify the National Response Center (using their 24-hour toll-free number 800/424-8802) [and the DEQ (using their 24-hour number (602) 771-2330 or 800/234-5677)]. The report [shall contain] the following information:

- (1) The name, address, and [the EPA Identification Number] of the generator;
- (2) Date, time, [location,] and type of incident (for example, spill or fire);
- (3) Quantity and type of hazardous waste involved in the incident;
- (4) Extent of injuries, if any; and
- (5) Estimated quantity and disposition of recovered materials, if any.

**H.** § 262.41, titled “Biennial report,” is amended as follows:

(a) A generator [shall] prepare and submit a single copy of [an annual] report to the [Director] by March 1 [for the preceding calendar] year. The [annual] report [shall] be submitted on [a form provided by the DEQ according to the instructions for the form, shall describe] generator activities during the previous [calendar] year, and shall include the following information:

(1) The EPA identification number, name, [location,] and [mailing] address of the generator.

(2) The calendar year covered by the report.

(3) The EPA identification number, name, and [mailing] address for each off-site [TSD] facility to which waste was shipped during the [reporting] year [, including the name and address of all applicable foreign facilities for exported shipments.]

(4) The name, [mailing address], and the EPA identification number of each transporter used [by the generator] during the reporting year.

(5) A [waste] description, EPA hazardous waste number (from 40 CFR 261, subpart C or D) [(as incorporated by R18-8-261), U.S. Department of Transportation] hazard class, [concentration, physical state,] and quantity of each hazardous waste [:

i. Generated];

ii. Shipped off-site. This information must be listed by EPA identification number of each off-site facility to which waste was shipped; and

iii. Accumulated at the end of the year].

(6) A description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated.

(7) A description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for the years prior to 1984.

(8) The certification signed by the generator or [the generator’s] authorized representative [, and the date the report was prepared].

(9) [A waste description, EPA hazardous waste number, concentration, physical state, quantity, and handling method of each hazardous waste handled on-site in elementary neutralization or wastewater treatment units.]

(10) [Name and telephone number of facility contact responsible for information contained in the report.]

(b) Any generator who treats, stores, or disposes of hazardous waste on-site, [and is subject to the HWM facility requirements of R18-8-264, R18-8-265, or R18-8-270.] shall submit [an annual] report covering those wastes in accordance with the provisions of 40 CFR 264.75 [(as incorporated by R18-8-264(G)), and § 265.75 [(as incorporated by R18-8-265(G)).]

**I.** Manifests required in 40 CFR 262, subpart B, titled “The Manifest,” (as incorporated by R18-8-262) shall be submitted to the DEQ in the following manner:

1. A generator initiating a shipment of hazardous waste required to be manifested shall submit to the DEQ, no later than 45 days following the end of the month of shipment, one copy of each manifest with the signature of that generator and transporter, and the signature of the owner or operator of the designated facility, for any shipment of hazardous waste transported or delivered within that month. If a conforming manifest is not available, the generator shall submit an Exception Report in compliance with § 262.42 (as incorporated by R18-8-262).

2. A generator shall designate on the manifest in item I “Waste No.,” the EPA hazardous waste number or numbers for each hazardous waste listed on the manifest.

3. A member of the Performance Track Program, as defined in R18-8-260(F), that initiates a shipment of hazardous waste required to be manifested shall submit the manifest to DEQ as specified in subsections (1) and (2), except a manifest may be submitted to DEQ within 45 days following the end of the calendar quarter of shipment rather

than within 45 days following the end-of-the month of shipment.

- J. § 262.42, titled “Exception reporting,” is amended by replacing “The Exception Report must include:” in paragraph (a)(2) with the following: “The Exception Report shall be submitted to DEQ within 45 days following the end of the month of shipment of the waste and shall include:”
- K. § 262.42, titled “Exception reporting,” paragraph (b) is amended by adding the following sentence to the end of the paragraph: “This submission to DEQ shall be made within 60 days following the end of the month of shipment of the waste.”
- L. A generator who accumulates ignitable, reactive, or incompatible waste shall comply with 40 CFR 265.17(a) (as incorporated by R18-8-265(A)).
- M. Any generator who must comply with 40 CFR 262.34(a)(1) (as incorporated by R18-8-262) shall keep a written log of the inspections of container, tank, drip pad, and containment building areas and for the containers, tanks, and other equipment located in these storage areas in accordance with 40 CFR 265.174, 265.195, 265.444, and 265.1101(c)(4) (as incorporated by R18-8-265). The inspection log shall be kept by the generator for three years from the date of the inspection. The generator shall ensure that the inspection log is filled in after each inspection and includes the following information: inspection date, inspector’s name and signature, and remarks or corrections.

#### Historical Note

Adopted effective July 24, 1984 (Supp. 84-4). Amended subsection (A) effective June 27, 1985 (Supp. 85-3). Amended subsections (A) and (D) effective August 5, 1986 (Supp. 86-4). Former Section R9-8-1862 renumbered as R18-8-262, and amended effective May 29, 1987 (Supp. 87-2). Amended effective December 1, 1988 (Supp. 88-4). Amended effective October 11, 1989 (Supp. 89-4). Amended effective August 14, 1991 (Supp. 91-3). Amended effective October 6, 1992 (Supp. 92-4). Amended effective December 2, 1994 (Supp. 94-4). Amended effective December 7, 1995 (Supp. 95-4). Amended effective June 13, 1996 (Supp. 96-2). Amended effective August 8, 1997 (Supp. 97-3). Amended effective June 4, 1998 (Supp. 98-2). Amended by final rulemaking at 5 A.A.R. 4625, effective November 15, 1999 (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 3093, effective July 24, 2000 (Supp. 00-3). Amended by final rulemaking at 9 A.A.R. 816, effective April 15, 2003 (Supp. 03-1). Amended by final rulemaking at 11 A.A.R. 5523, effective February 4, 2006 (Supp. 05-4). Amended by final rulemaking at 12 A.A.R. 3061, effective October 1, 2006 (Supp. 06-3). Amended by final rulemaking at 14 A.A.R. 409, effective March 8, 2008 (Supp. 08-1).

#### R18-8-263. Standards Applicable to Transporters of Hazardous Waste

- A. All of 40 CFR 263, revised as of July 1, 2006 (and no future editions), is incorporated by reference, modified by the following subsections of R18-8-263, and on file with the DEQ. Copies of 40 CFR 263 are available at [www.gpoaccess.gov/cfr/index.html](http://www.gpoaccess.gov/cfr/index.html).
- B. § 263.11, titled “EPA identification numbers,” is amended by the following:
  - (a) A transporter must not transport hazardous wastes without having received an EPA identification number from the [DEQ].
  - (b) A transporter who has not received an EPA identification number may obtain one by applying to the [DEQ] using

EPA form 8700-12. [The completed form shall be mailed or delivered to: DEQ, Waste Programs Division, GIS and IT Unit, 1110 W. Washington St., Phoenix, AZ 85007.] Upon receiving the request, the [DEQ] will assign an EPA identification number to the transporter.

- C. § 263.20, titled “The manifest system,” is amended by adding the following:
  - [A transporter of hazardous waste, with the exception of hazardous waste shipments that originate outside of Arizona, must submit one copy of each manifest to the DEQ, in accordance with R18-8-263(D).]
- D. Manifests required in 40 CFR 263, subpart B, titled “Compliance With the Manifest System and Recordkeeping,” (as incorporated by R18-8-263) shall be submitted to the DEQ in the following manner:
  - [A transporter of hazardous waste, unless such hazardous waste shipment originated outside of the state of Arizona, shall submit to the DEQ, no later than 30 days following the end of the month of shipment, copy of each manifest, including the signature of that transporter, for any shipment of hazardous waste transported or delivered within that month.]
- E. § 263.30, titled “Immediate action,” paragraph (c)(2) is amended by the following:
  - (2) Report in writing as required by 49 CFR 171.16 to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington, DC 20590 [and send a copy to the DEQ, Hazardous Waste Inspections and Compliance Unit, 1110 W. Washington St., Phoenix, AZ 85007.]

#### Historical Note

Adopted effective July 24, 1984 (Supp. 84-4). Amended subsection (A) effective June 27, 1985 (Supp. 85-3). Amended subsection (A) effective August 5, 1986 (Supp. 86-5). Former Section R9-8-1863 renumbered as R18-8-263, and subsection (A) amended effective May 29, 1987 (Supp. 87-2). Amended subsection (A) effective October 11, 1989 (Supp. 89-4). Amended effective August 14, 1991 (Supp. 91-3). Amended effective October 6, 1992 (Supp. 92-4). Amended effective December 2, 1994 (Supp. 94-4). Amended effective December 7, 1995 (Supp. 95-4). Amended effective June 13, 1996 (Supp. 96-2). Amended effective August 8, 1997 (Supp. 97-3). Amended effective June 4, 1998 (Supp. 98-2). Amended by final rulemaking at 5 A.A.R. 4625, effective November 15, 1999 (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 3093, effective July 24, 2000 (Supp. 00-3). Amended by final rulemaking at 10 A.A.R. 4364, effective December 4, 2004 (Supp. 04-4). Amended by final rulemaking at 11 A.A.R. 5523, effective February 4, 2006 (Supp. 05-4). Amended by final rulemaking at 12 A.A.R. 3061, effective October 1, 2006 (Supp. 06-3). Amended by final rulemaking at 14 A.A.R. 409, effective March 8, 2008 (Supp. 08-1).

#### R18-8-264. Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

- A. All of 40 CFR 264 and accompanying appendices, revised as of July 14, 2006 (and no future editions), with the exception of §§ 264.1(d) and (f), 264.149, 264.150, and 264.301(l), is incorporated by reference, modified by the following subsections, and on file with the DEQ. Copies of 40 CFR 264 are available at [www.gpoaccess.gov/cfr/index.html](http://www.gpoaccess.gov/cfr/index.html).
- B. § 264.1, titled “Purpose, scope and applicability,” paragraph (g)(1) is amended as follows:

- (1) The owner or operator of a facility [with operational approval from the Director] to manage [public, private,] municipal or industrial solid waste [pursuant to R18-8-512, A.R.S. §§ 49-104 and 49-762], if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation under [R18-8-264] pursuant to § 261.5 [(as incorporated by R18-8-261)];
- C.** § 264.1, titled “Purpose, scope, and applicability,” paragraph (g)(8)(i)(D) is amended as follows:
- (D) An immediate threat to human health, public safety, property, or the environment, from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosive or munitions emergency response specialist as defined in 40 CFR 260.10. [The DEQ Emergency Response Unit shall be notified as soon as possible, using the 24-hour number (602) 771-2330 or (800) 234-5677.]
- D.** § 264.11, titled “Identification number,” is replaced by the following:
1. A facility owner or operator shall not treat, store, dispose of, transport, or offer for transportation, hazardous waste without having received an EPA identification number from the DEQ.
  2. A facility owner or operator who has not received an EPA identification number may obtain one by applying to the DEQ using EPA form 8700-12. The completed form shall be mailed or delivered to: ADEQ, Hazardous Waste Facilities Assistance Unit, 1110 W. Washington St., Phoenix, AZ 85007. Upon receiving the request, the DEQ will assign an EPA identification number to the facility owner or operator.
- E.** § 264.15 titled “General inspection requirements,” paragraph (b)(5)(i) is amended by replacing “National Environmental Performance Track Program” with “Performance Track Program.”
- F.** § 264.18, titled “Location standards,” paragraph (c) is amended by deleting the following:
- (c) “, except for the Department of Energy Waste Isolation Pilot Project in New Mexico.”
- G.** § 264.56, titled “Emergency procedures,” paragraph (d)(2) is amended as follows:
- (2) [The emergency coordinator, or designee, shall] immediately notify [the DEQ at (602) 771-2330 or (800) 234-5677, extension 771-2330, and notify] either the government official designated as the on-scene coordinator for that geographical area, (in the applicable regional contingency plan under 40 CFR 1510) or the National Response Center (using their 24-hour toll free number (800) 424-8802). The report [shall include the following]:
- (i) Name and telephone number of reporter;
  - (ii) Name and address of facility;
  - (iii) Time and type of incident (for example, release, fire);
  - (iv) Name and quantity of material(s) involved, to the extent known;
  - (v) The extent of injuries, if any; and
  - (vi) The possible hazards to human health, or the environment, outside the facility.
- H.** § 264.71, titled “Use of manifest system,” paragraph (a)(4) is amended as follows:
- Within 30 days after the delivery, send a copy of the signed and dated manifest or a signed and dated copy of the shipping paper (if the manifest has not been received within 30 days after delivery) to the generator [and submit one copy of each manifest to DEQ, according to R18-8-264(I).]
- I.** § 264.75, titled “Biennial report,” is amended as follows:
- The owner or operator [of a facility that treated, stored, or disposed of hazardous waste shall] prepare and submit a single copy of [an annual report to the Director] by March 1 [for the preceding calendar] year. The [annual] report must be submitted on [a form provided by DEQ according to the instructions for the form.] The report [shall describe treatment, disposal, or storage] activities during the previous calendar year and [shall] include [the following information]:
- (a) Name, [mailing] address, [location] and the EPA identification number of the facility;
  - (b) The calendar year covered by the report;
  - (c) [For facilities receiving waste from off-site,] the EPA identification number of each hazardous waste generator from which the facility received a hazardous waste during the year; and, for imported shipments, the report must give the name and address of the foreign generator;
  - (d) A [waste] description, [EPA hazardous waste number, concentration, physical state], and quantity of each hazardous waste the facility received during the year. For [waste received from off-site], this information must be listed by the EPA identification number of each generator;
  - (e) The method of treatment, storage, or disposal for each hazardous waste;
  - (f) Reserved;
  - (g) The most recent closure cost estimate under § 264.142, [(as incorporated by R18-8-264)], and for disposal facilities, the most recent post-closure cost estimate under § 264.144, [(as incorporated by R18-8-264)];
  - (h) For generators who treat, store, or dispose of hazardous waste on-site, a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated.
  - (i) For generators who treat, store, or dispose of hazardous waste on-site, a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for the years prior to 1984.
  - (j) The certification signed by the owner or operator of the facility, or authorized representative, [and the date the report was prepared];
  - (k) [Name and telephone number of facility contact responsible for information contained in the report; and]
  - (l) [If the TSD facility is also a generator, the complete generator annual report as required by § 262.41 (as incorporated by R18-8-262).]
- J.** Manifests required in 40 CFR 264, Subpart E, titled “Manifest System, Recordkeeping, and Reporting,” (as incorporated by R18-8-264) shall be submitted to the DEQ in the following manner:
1. The TSD facility receiving off-site shipments of hazardous wastes required to be manifested shall submit to the DEQ, no later than 30 days following the end of the month of shipment, one copy of each manifest with the signature, in accordance with § 264.71(a)(1) (as incorporated by R18-8-264), of the owner or operator of the facility, or agent, for any shipment of hazardous waste received within that month.

2. If a facility receiving hazardous waste from off-site is also a generator, the owner or operator shall also submit generator manifests as required by R18-8-262(H).]
- K.** § 264.93, titled “Hazardous constituents,” paragraph (c) is amended as follows:
- (c) In making any determination under [§ 264.93(b) (as incorporated by R18-8-264)] about the use of ground water in the area around the facility, the [Director shall] consider any identification of underground sources of drinking water and exempted aquifers made under [40 CFR] § 144.7, [and any identification of uses of ground water made pursuant to 18 A.A.C. 9 or 11].
- L.** § 264.94, titled “Concentration limits,” paragraph (c) is amended as follows:
- (c) In making any determination under [§ 264.94(b) (as incorporated by R18-8-264)] about the use of ground water in the area around the facility, the [Director shall] consider any identification of underground sources of drinking water and exempted aquifers made under [40 CFR] 144.7, [and any identification of uses of ground water made pursuant to 18 A.A.C. 9 or 11].
- M.** § 264.143, titled “Financial assurance for closure,” paragraph (h), and 264.145, titled “Financial assurance for post-closure care,” paragraph (h), are amended by replacing the third sentence in each citation with the following: “Evidence of financial assurance must be submitted to and maintained with the Director for those facilities located in Arizona.”
- N.** § 264.147, titled “Liability requirements,” paragraphs (a)(1)(i) and (b)(1)(i) are amended by deleting the following from the fourth sentence in each citation: “, or Regional Administrators if the facilities are located in more than one Region.”
- O.** § 264.151, titled “Wording of the instruments,” is adopted except any reference to “{of/for} the Regions in which the facilities are located” is deleted and “an agency of the United States Government” is deleted from the second paragraph of the Trust Agreements.
- P.** § 264.301, titled “Design and operating requirements,” is amended by adding the following:
- [The DEQ may require that hazardous waste disposed in a landfill operation, be treated prior to landfilling to reduce the water content, water solubility, and toxicity of the waste. The decision by the DEQ shall be based upon the following criteria:
1. Whether the action is necessary to protect public health;
  2. Whether the action is necessary to protect the groundwater, particularly where the groundwater is a source, or potential source, of a drinking water supply;
  3. The type of hazardous waste involved and whether the waste may be made less hazardous through treatment;
  4. The degree of water content, water solubility, and toxicity of the waste;
  5. The existence or likelihood of other wastes in the landfill and the compatibility or incompatibility of the wastes with the wastes being considered for treatment;
  6. Consistency with other laws, rules and regulations, but not necessarily limited to laws, rules, and regulations relating to landfills and solid wastes.]
- Historical Note**  
Adopted effective July 24, 1984 (Supp. 84-4). Amended subsection (A) effective June 27, 1985 (Supp. 85-3). Amended subsection (A) effective August 5, 1986 (Supp. 86-4). Former Section R9-8-1864 renumbered as Section R18-8-264, and subsection (A) amended effective May 29, 1987 (Supp. 87-2). Amended subsection (B) effective December 1, 1988 (Supp. 88-4). Amended effective October 11, 1989 (Supp. 89-4). Amended effective August 14, 1991 (Supp. 91-3). Amended effective October 6, 1992 (Supp. 92-4). Amended effective December 2, 1994 (Supp. 94-4). Amended effective December 7, 1995 (Supp. 95-4). Amended effective June 13, 1996 (Supp. 96-2). Amended effective August 8, 1997 (Supp. 97-3). Amended effective June 4, 1998 (Supp. 98-2). Amended by final rulemaking at 5 A.A.R. 4625, effective November 15, 1999 (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 3093, effective July 24, 2000 (Supp. 00-3). Amended by final rulemaking at 9 A.A.R. 816, effective April 15, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 4364, effective December 4, 2004 (Supp. 04-4). Amended by final rulemaking at 11 A.A.R. 5523, effective February 4, 2006 (Supp. 05-4). Amended by final rulemaking at 12 A.A.R. 3061, effective October 1, 2006 (Supp. 06-3). Amended by final rulemaking at 14 A.A.R. 409, effective March 8, 2008 (Supp. 08-1).
- R18-8-265. Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities**
- A.** All of 40 CFR 265 and accompanying appendices, revised as of July 14, 2006 (and no future editions), with the exception of §§ 265.1(c)(2), 265.1(c)(4), 265.149, 265.150, and 265.430, is incorporated by reference, modified by the following subsections, and on file with the DEQ. Copies of 40 CFR 265 are available at [www.gpoaccess.gov/cfr/index.html](http://www.gpoaccess.gov/cfr/index.html).
- B.** § 265.1, titled “Purpose, scope, and applicability,” paragraph (c)(5) is amended as follows:
- (5) The owner or operator of a facility [with operational approval from the Director] to manage [public, private,] municipal or industrial solid waste [pursuant to R18-8-512, A.R.S. §§ 49-104 and 49-762], if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation under [R18-8-265, pursuant to § 261.5 (as incorporated by R18-8-261)];
- C.** § 265.1, titled “Purpose, scope, and applicability,” paragraph (c)(11)(i)(D) is amended as follows:
- (D) An immediate threat to human health, public safety, property, or the environment, from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosive or munitions emergency response specialist as defined in 40 CFR 260.10. [The DEQ Emergency Response Unit shall be notified as soon as possible, using the 24-hour number (602) 771-2330 or (800) 234-5677]
- D.** § 265.11, titled “Identification number,” is replaced by the following:
1. A facility owner or operator shall not treat, store, dispose of, transport, or offer for transportation, hazardous waste without having received an EPA identification number from the DEQ.
  2. A facility owner or operator who has not received an EPA identification number may obtain one by applying to the DEQ using EPA form 8700-12. The completed form shall be mailed or delivered to: ADEQ, Hazardous Waste Facilities Assistance Unit, 1110 W. Washington St., Phoenix, AZ 85007. Upon receiving the request, the DEQ shall assign an EPA identification number to the facility owner or operator.]
- E.** § 265.15 titled “General inspection requirements,” paragraph (b)(5)(i) is amended by replacing “National Environmental

- Performance Track Program” with “Performance Track Program.”
- F.** § 265.18, titled “Location standards,” is amended by deleting the following:  
 “, except for the Department of Energy Waste Isolation Pilot Project in New Mexico.”
- G.** § 265.56, titled “Emergency procedures,” paragraph (d)(2) is amended as follows:  
 (2) [The emergency coordinator, or designee, immediately shall] notify [the DEQ at (602) 771-2330 or 800/234-5677, and notify] either the government official designated as the on-scene coordinator for that geographical area, (in the applicable regional contingency plan under 40 CFR 1510) or the National Response Center (using their 24-hour toll-free number 800/424-8802). The report [shall include the following]:  
 (i) Name and telephone number of the reporter;  
 (ii) Name and address of the facility;  
 (iii) Time and type of incident (for example, release, fire);  
 (iv) Name and quantity of material(s) involved, to the extent known;  
 (v) The extent of injuries, if any; and  
 (vi) The possible hazards to human health, or the environment, outside the facility.
- H.** § 265.71, titled “Use of manifest system,” paragraph (a)(4) is amended as follows:  
 Within 30 days after the delivery, send a copy of the signed and dated manifest or a signed and dated copy of the shipping paper (if the manifest has not been received within 30 days after delivery) to the generator [and submit one copy of each manifest to DEQ, according to R18-8-265(I).]
- I.** § 265.75, titled “Biennial report,” is amended as follows:  
 The owner or operator [of a facility that treated, stored, or disposed of hazardous waste] shall prepare and submit a copy of [an annual] report to the [Director] by March 1 [for the preceding calendar] year. The [annual] report must be submitted on [a form provided by DEQ according to the instructions for the form]. The report [shall describe] facility activities during the previous calendar year and must include the following information:  
 (a) Name, [mailing] address, [location], and EPA identification number of the facility;  
 (b) The calendar year covered by the report;  
 (c) For [facilities receiving waste from off-site], the EPA identification number of each hazardous waste generator from which the facility received a hazardous waste during the year; [and] for imported shipments, the report must give the name and address of the foreign generator;  
 (d) A [waste] description, [EPA hazardous waste number, concentration, physical state], and quantity of each hazardous waste the facility received [according to the quantity treated, stored or disposed] during the year. For [waste received from off-site], this information must be listed by EPA identification number of each generator;  
 (e) The method of treatment, storage, or disposal for each hazardous waste;  
 (f) Monitoring data under § 265.94(a)(2)(ii) and (iii), and (b)(2) [(as incorporated by R18-8-265)], where required;  
 (g) The most recent closure cost estimate under § 265.142 [(as incorporated by R18-8-265)], and, for disposal facilities, the most recent post-closure cost estimate under § 265.144 [(as incorporated by R18-8-265.)];
- (h) For generators who treat, store, or dispose of hazardous waste on-site, a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated;
- (i) For generators who treat, store, or dispose of hazardous waste on-site, a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for the years prior to 1984;
- (j) The certification signed by the owner or operator of the facility, or authorized representative, [and the date the report was prepared; and
- (k) Name and telephone number of facility contact responsible for information contained in the report.]
- J.** Manifests required in 40 CFR 265, subpart E, titled “Manifest System, Recordkeeping, and Reporting,” (as incorporated by R18-8-265) shall be submitted to the DEQ in the following manner:  
 The TSD facility receiving off-site shipments of hazardous wastes required to be manifested shall submit to the DEQ, no later than 30 days following the end of the month of shipment, a copy of each manifest with the signature, in accordance with § 265.71(a)(1) (as incorporated by R18-8-265), of the owner or operator of the facility, or agent, for any shipment of hazardous waste received within that month.
- K.** § 265.90, titled “Applicability,” paragraphs (a) and (d)(1), and § 265.93, titled “Preparation, evaluation, and response,” paragraph (3) (as incorporated by R18-8-265), are amended by deleting the following phrase: “within one year”; and § 265.90, titled “Applicability,” paragraph (d)(2) (as incorporated by R18-8-265), is amended by deleting the following phrase: “Not later than one year.”
- L.** § 265.112(d), titled “Notification of partial closure and final closure,” subparagraph (1) is amended as follows:  
 1. The owner or operator must submit the closure plan to the [Director] at least 180 days prior to the date on which [the owner or operator] expects to begin closure of the first surface impoundment, waste pile, land treatment, or landfill unit, [tank, container storage, or incinerator unit], or final closure if it involves such a unit, whichever [occurs earlier. The owner or operator with approved closure plans shall notify the Director] in writing at least 60 days prior to the date on which [the owner or operator expects] to begin closure of a surface impoundment, waste pile, landfill, or land treatment unit, or final closure of a facility [if it involves such a unit. The owner or operator] with approved closure plans must notify the [Director] in writing at least 45 days prior to the date on which [the owner or operator expects] to begin final closure of a facility with only tanks, container storage, or incinerator units.
- M.** §§ 265.143, titled “Financial assurance for closure,” paragraph (g), and 265.145, titled “Financial assurance for post-closure care,” paragraph (g), are amended by replacing the third sentence in each citation with the following: “Evidence of financial assurance must be submitted to and maintained with the Director for those facilities located in Arizona.”
- N.** § 265.193, titled “Containment and detection of releases” (as incorporated by R18-8-265), is amended by adding the following:  
 [For existing underground tanks and associated piping systems not yet retrofitted in accordance with § 265.193, the owner or operator shall ensure that:

1. A level is measured daily;
2. A material balance is calculated and recorded daily; and
3. A yearly test for leaks in the tank and piping system, using a method approved by the DEQ is performed.]

**Historical Note**

Adopted effective July 24, 1984 (Supp. 84-4). Amended subsection (A) effective June 27, 1985 (Supp. 85-3). Amended subsection (A) effective August 5, 1986 (Supp. 86-4). Former Section R9-8-1865 renumbered as Section R18-8-265, subsection (A) amended and a new subsection (I) added effective May 29, 1987 (Supp. 87-2). Amended subsection (B) effective December 1, 1988 (Supp. 88-4). Amended effective October 11, 1989 (Supp. 89-4). Amended effective August 14, 1991 (Supp. 91-3). Amended effective October 6, 1992 (Supp. 92-4). Amended effective December 2, 1994 (Supp. 94-4). Amended effective December 7, 1995 (Supp. 95-4). Amended effective June 13, 1996 (Supp. 96-2). Amended effective August 8, 1997 (Supp. 97-3). Amended effective June 4, 1998 (Supp. 98-2). Amended by final rulemaking at 5 A.A.R. 4625, effective November 15, 1999 (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 3093, effective July 24, 2000 (Supp. 00-3). Amended by final rulemaking at 9 A.A.R. 816, effective April 15, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 4364, effective December 4, 2004 (Supp. 04-4). Amended by final rulemaking at 11 A.A.R. 5523, effective February 4, 2006 (Supp. 05-4). Amended by final rulemaking at 12 A.A.R. 3061, effective October 1, 2006 (Supp. 06-3). Amended by final rulemaking at 14 A.A.R. 409, effective March 8, 2008 (Supp. 08-1).

**R18-8-266. Standards for the Management of Specific Hazardous Wastes and Specific Hazardous Waste Management Facilities**

- A. All of 40 CFR 266 and accompanying appendices, revised as of July 14, 2006 (and no future editions), is incorporated by reference, modified by the following subsections, and on file with the DEQ. Copies of 40 CFR 266 are available at [www.gpoaccess.gov/cfr/index.html](http://www.gpoaccess.gov/cfr/index.html).
- B. § 266.100, titled “Applicability” paragraph (c) is amended as follows:
- (c) The following hazardous wastes and facilities are not subject to regulation under this subpart:
- (1) Used oil burned for energy recovery that is also a hazardous waste solely because it exhibits a characteristic of hazardous waste identified in subpart C of part 261 [(as incorporated by R18-8-261)] of this Chapter. Such used oil is subject to regulation under [A.R.S. §§ 49-801 through 49-818] rather than this subpart;
  - (2) Gas recovered from hazardous or solid waste landfills when such gas is burned for energy recovery;
  - (3) Hazardous wastes that are exempt from regulation under §§ 261.4 and 261.6(a)(3)(iii)-(iv) [(as incorporated by R18-8-261)] of this Chapter, and hazardous wastes that are subject to the special requirements for conditionally exempt small quantity generators under § 261.5 [(as incorporated by R18-8-261)] of this Chapter; and
  - (4) Coke ovens, if the only hazardous waste burned is EPA Hazardous Waste No. K087, decanter tank tar sludge from coking operations.

**Historical Note**

Adopted effective August 5, 1986 (Supp. 86-4). Former Section R9-8-1866 renumbered as Section R18-8-266, and amended effective May 29, 1987 (Supp. 87-2). Amended effective October 11, 1989 (Supp. 89-4). Amended effective August 14, 1991 (Supp. 91-3). Amended effective October 6, 1992 (Supp. 92-4). Amended effective December 2, 1994 (Supp. 94-4). Amended effective December 7, 1995 (Supp. 95-4). Amended effective June 13, 1996 (Supp. 96-2). Amended effective August 8, 1997 (Supp. 97-3). Amended effective June 4, 1998 (Supp. 98-2). Amended by final rulemaking at 5 A.A.R. 4625, effective November 15, 1999 (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 3093, effective July 24, 2000 (Supp. 00-3). Amended by final rulemaking at 9 A.A.R. 816, effective April 15, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 4364, effective December 4, 2004 (Supp. 04-4). Amended by final rulemaking at 11 A.A.R. 5523, effective February 4, 2006 (Supp. 05-4). Amended by final rulemaking at 12 A.A.R. 3061, effective October 1, 2006 (Supp. 06-3). Amended by final rulemaking at 14 A.A.R. 409, effective March 8, 2008 (Supp. 08-1).

**R18-8-267. Reserved****R18-8-268. Land Disposal Restrictions**

All of 40 CFR 268 and accompanying appendices, revised as of July 14, 2006 (and no future editions), with the exception of Part 268, Subpart B, is incorporated by reference and on file with the DEQ. Copies of 40 CFR 268 are available at [www.gpoaccess.gov/cfr/index.html](http://www.gpoaccess.gov/cfr/index.html).

**Historical Note**

Adopted effective October 11, 1989 (Supp. 89-4). Amended effective August 14, 1991 (Supp. 91-3). Amended effective October 6, 1992 (Supp. 92-4). Amended effective December 2, 1994 (Supp. 94-4). Amended effective December 7, 1995 (Supp. 95-4). Amended effective June 13, 1996 (Supp. 96-2). Amended effective August 8, 1997 (Supp. 97-3). Amended effective June 4, 1998 (Supp. 98-2). Amended by final rulemaking at 5 A.A.R. 4625, effective November 15, 1999 (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 3093, effective July 24, 2000 (Supp. 00-3). Amended by final rulemaking at 9 A.A.R. 816, effective April 15, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 4364, effective December 4, 2004 (Supp. 04-4). Amended by final rulemaking at 11 A.A.R. 5523, effective February 4, 2006 (Supp. 05-4). Amended by final rulemaking at 12 A.A.R. 3061, effective October 1, 2006 (Supp. 06-3). Amended by final rulemaking at 14 A.A.R. 409, effective March 8, 2008 (Supp. 08-1).

**R18-8-269. Standards Applicable to the State-owned Hazardous Waste Facility**

- A. This Section applies only to the state owned and contracted site specified in A.R.S. § 49-902(A).
- B. Pursuant to A.R.S. § 49-901 et seq., the DEQ shall develop a facility at the location specified in A.R.S. § 49-902(A).
- C. Transportation routes.
1. A transporter hauling hazardous waste to or from the state HWM facility shall utilize established public roads and highways that are built and maintained to meet state or county specifications; and
  2. The approach to and the departure from the facility shall be from the east or west.

**Historical Note**

Adopted effective July 24, 1984 (Supp. 84-4). Former Section R9-8-1869 renumbered without change as Section R18-8-269 (Supp. 87-2). Amended subsections (A) and (B) effective December 1, 1988 (Supp. 88-4). Amended effective December 2, 1994 (Supp. 94-4).

**R18-8-270. Hazardous Waste Permit Program**

- A. All of 40 CFR 270, revised as of July 14, 2006 (and no future editions), with the exception of §§ 270.1(a), 270.1(c)(1)(i), 270.3, 270.10(g)(1)(i), 270.60(a) and (b), and 270.64, and with the exception of the revisions for standardized permits as published at 70 FR 53419, is incorporated by reference, modified by the following subsections, and on file with the DEQ. Copies of 40 CFR 270 are available at [www.gpoaccess.gov/cfr/index.html](http://www.gpoaccess.gov/cfr/index.html).
- B. § 270.1, titled “Purpose and scope of these regulations,” paragraph (b) is replaced by the following:
  - 1. [After the effective date of these regulations the treatment, storage, or disposal of any hazardous waste is prohibited except as follows:
    - a. As allowed under § 270.1(c)(2) and (3) (as incorporated by R18-8-270);
    - b. Under the conditions of a permit issued pursuant to these regulations; or
    - c. At an existing facility accorded interim status under the provisions of § 270.70 (as incorporated by R18-8-270).
  - 2. The direct disposal or discharge of hazardous waste into or onto any of the following is prohibited:
    - a. Waters of the state as defined in A.R.S. § 49-201(31), excluding surface impoundments as defined in § 260.10 (as incorporated by R18-8-260); and
    - b. Injection well, ditch, alleyway, storm drain, leachfield, or roadway.]
- C. § 270.1, titled “Purpose and scope of these regulations,” paragraph (c)(3)(i)(D) is amended as follows:
  - (D) An immediate threat to human health, public safety, property, or the environment, from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosive or munitions emergency response specialist as defined in 40 CFR 260.10. [The DEQ Emergency Response Unit shall be notified as soon as possible, using the 24-hour number (602) 771-2330 or (800) 234-5677.]
- D. § 270.10, titled “General application requirements,” paragraph (e)(2), is amended as follows:
  - (2) The [Director] may extend the date by which owners and operators of specified classes of existing [HWM facilities shall submit Part A of their permit application if the Administrator has published in the Federal Register that EPA is granting an extension under 40 CFR § 270.10(e)(2) for those classes of facilities.]
- E. § 270.10(g), titled “Updating permit applications,” subparagraph (1)(ii) is amended as follows:
  - (ii) With the [Director] no later than the effective date of regulatory provisions listing or designating wastes as hazardous in [the] state if the facility is treating, storing, or disposing of any of those newly listed or designated wastes; or
- F. § 270.10(g), titled “Updating permit applications,” subparagraph (1)(iii), is amended as follows:
  - (iii) As necessary to comply with provisions of § 270.72 [(as incorporated by R18-8-270)] for changes during interim [status]. Revised Part A applications necessary to comply

with the provisions of § 270.72 [(as incorporated by R18-8-270) shall be filed with the [Director.]

- G. § 270.10, titled “General application requirements,” is amended by adding the following:
  - 1. When submitting an application for any of the license types in the Table below, an applicant shall remit to the DEQ an application fee as shown in the Table.

**Table - Hazardous Waste Permitting Application and Maximum Fees For Various License Types**

License Type	Application Fee	Maximum Fee
Permit for: Container Storage/ Container Treatment	\$20,000	\$250,000
Permit for: Tank Storage/Tank Treatment	\$20,000	\$300,000
Permit for: Surface Impoundment	\$20,000	\$400,000
Permit for: Incinerator/Boiler and Industrial Furnace (BIF)/Landfill/ Miscellaneous Unit	\$20,000	\$500,000
Permit for: Waste Pile/Land Treatment/Drip Pad/Containment Building/Research, Development, and Demonstration	\$20,000	\$300,000
Corrective Action Permit/Remedial Action Plan (RAP) Approval	\$20,000	\$300,000
Post-Closure Permit	\$20,000	\$400,000
Closure of Container/Tank/Drip Pad/Containment Building	\$5,000/unit	\$100,000
Closure of Miscellaneous Unit/ Incinerator/BIF/Surface Impoundment/Waste Pile/Land Treatment Unit/Landfill	\$5,000/unit	\$300,000
Class 1 Modification (requiring Director Approval)	\$1,000	\$50,000
Class 2 Modification	\$5,000	\$250,000
Class 3 Modification (for a permit with an Incinerator, BIF, Surface Impoundment, Waste Pile, Land Treatment Unit, or Landfill)	\$20,000	\$400,000
Class 3 Modification (for a permit without an Incinerator, BIF, Surface Impoundment, Waste Pile, Land Treatment Unit, or Landfill)	\$10,000	\$250,000

- 2. If the total cost of processing the application identified in the Table is less than the application fee listed in the Table, the DEQ shall refund the difference between the total cost and the amount listed in the Table to the applicant.
  - a. Permits and permit modifications other than post-closure permits and closure plans. If the total cost of processing the application is greater than the amount listed plus other amounts paid, the DEQ shall bill the applicant for the difference upon permit approval. The applicant shall pay the difference in full before the DEQ issues the permit.
  - b. Post-closure permits. If the total cost of processing the application is greater than the amount listed plus

- other amounts paid, the DEQ shall bill the applicant for the difference upon permit issuance. The applicant shall pay the difference in full within 45 days of the date of the bill.
- c. Withdrawals. In the event of a valid withdrawal of the permit application by the applicant, if the total costs of processing the application are less than the amount paid, the DEQ shall refund the difference. If the total costs are greater than the amount paid, the DEQ shall bill the applicant for the difference, and the applicant shall pay the difference within 45 days of the date of the bill.
3. With an application for a closure plan for a facility, the applicant shall remit to the DEQ an application fee of \$5,000 for each hazardous waste management unit involved in the closure plan or \$20,000, whichever is less. If the total cost of processing the application, including review and approval of the closure report, is more than the application fee paid, the applicant shall be billed for the difference, and the difference shall be paid in full after the DEQ completes review and approval of the closure report and within 30 days of notification by the Director. If the reasonable cost is less than the fee paid by the applicant, the DEQ shall refund the difference within 30 days of the closure report review and approval. The maximum fee for a closure plan is shown in the Table.
4. The fee for a land treatment demonstration permit issued under § 270.63 (as incorporated by R18-8-270) for hazardous waste applies toward the \$20,000 permit fee for a Part B land treatment permit when the owner or operator seeks to treat or dispose of hazardous waste in land treatment units based on the successful treatment demonstration (as incorporated by R18-8-270).
5. The DEQ shall provide the applicant itemized bills at least semiannually for the expenses associated with evaluating the application and approving or denying the permit or permit modification. The following information shall be included in each bill:
- The dates of the billing period;
  - After January 1, 2013, the date and number of review hours performed during the billing period itemized by employee name, position type and specifically describing:
    - Each review task performed,
    - The facility and operational unit involved,
    - The hourly rate;
  - A description and amount of review-related costs as described in subsection (G)(6)(b); and
  - The total fees paid to date, the total fees due for the billing period, the date when the fees are due, and the maximum fee for the project.
6. Fees shall consist of processing charges and review-related costs as follows:
- Processing charges. The DEQ shall calculate the processing charges using a rate of \$136 per hour, multiplied by the number of review hours used to evaluate and approve or deny the permit or permit modification.
  - Review-related costs means any of the following costs applicable to a specific application:
    - Per diem expenses,
    - Transportation costs,
    - Reproduction costs,
    - Laboratory analysis charges performed during the review of the permit or permit modification,
    - Public notice advertising and mailing costs,
    - Presiding officer expenses for public hearings on a permitting decision,
    - Court reporter expenses for public hearings on a permitting decision,
    - Facility rentals for public hearings on a permitting decision, and
    - Other reasonable and necessary review-related expenses documented in writing by the DEQ and agreed to by the applicant.
- c. Total itemized billings for an application shall not exceed the maximum amounts listed in the Table in this Section.
7. Any person who receives a final bill from the DEQ for the processing and issuance or denial of a permit or permit modification under this Article may request an informal review of all billing items and may pay the bill under protest. If the bill is paid under protest, the DEQ shall issue the permit or permit modification if it would be otherwise issuable after normal payment. Such a request shall specify each area of dispute, and it shall be made in writing, within 30 days of the date of receipt of the final bill, to the division director of the DEQ for the Waste Programs Division. The final bill shall be sent by certified mail, return receipt requested. The informal review shall take place within 30 days of the DEQ's receipt of the request unless agreed otherwise by the DEQ and the applicant. The division director of the DEQ shall review whether or not the amounts of time billed are correct and reasonable for the tasks involved. Disposition of the informal review shall be mailed to the requester within 10 working days after the informal review.
8. The division director's decision after the informal review shall become final within 30 days after receipt of the decision, unless the applicant requests in writing a hearing pursuant to R18-1-202.
9. For the purposes of subsection (G), "review hours" means the hours or portions of hours that the DEQ's staff spends on a permit or permit modification. Review hours include the time spent by the project manager and technical review team members, and if requested by the applicant, the supervisor or unit manager.
- H.** § 270.12, titled "Confidentiality of information," paragraph (a) is amended as follows:
- In accordance with [R18-8-260(D)(2)], any information submitted to [the DEQ] pursuant to these regulations may be claimed as confidential by the submitter. [Such a claim shall] be asserted at the time of submission in the manner prescribed [in R18-8-260(D)(2)(c)(ii)]. If no [such] claim is made at the time of submission, [the DEQ] may make the information available to the public without further notice. If a claim is asserted, the information [shall] be treated in accordance with the procedures in [R18-8-260(D)(2)(d) and (e)].
- I.** § 270.13, titled "Contents of Part A of the permit application," paragraph (k)(9) is amended as follows:
- Other relevant environmental permits, including [any federal, state, county, city, or fire department] permits.
- J.** § 270.14, titled "Contents of Part B: General requirements," paragraph (b) is amended by adding the following:
- (23) Any additional information required by the DEQ to evaluate compliance with facility standards and informational requirements of R18-8-264, R18-8-269 and R18-8-270.
  - (24)(i) A signed statement, submitted on a form supplied by the DEQ that demonstrates:
    - An individual owner or operator has sufficient reliability, expertise, integrity and competence to oper-

ate a HWM facility, and has not been convicted of, or pled guilty or no contest to, a felony in any state or federal court during the five years before the date of the permit application; or

- (B) In the case of a corporation or business entity, no officer, director, partner, key employee, other person, or business entity who holds 10% or more of the equity or debt liability has been convicted of, or pled guilty or no contest to, a felony in any state or federal court during the five years before the date of the permit application.
- ii. Failure to comply with subsection (i), the requirements of A.R.S. § 49-922(C)(1), and the requirements of § 270.43 (as incorporated by R18-8-270) and §§ 124.3(d) and 124.5(a) (as incorporated by R18-8-271), may cause the Director to refuse to issue a permit to a TSD facility pursuant to A.R.S. § 49-922(C) as amended, including requirements in § 270.43 (as incorporated by R18-8-270) and §§ 124.3(d) and 124.5(a) (as incorporated by R18-8-271).]
- K.** § 270.30, titled “Conditions applicable to all permits” paragraph (I)(10) is amended as follows:
- (10) Other noncompliance. The permittee shall report all instances of noncompliance not reported under [§ 270.30(I)(4),(5), and (6) (as incorporated by R18-8-270)] at the same time monitoring [(including annual)] reports are submitted. The reports shall contain the information listed in [§ 270.30(I)(6) (as incorporated by R18-8-270)].
- L.** § 270.30, titled “Conditions applicable to all permits” paragraph (L) is amended by adding the following:
- [All reports listed above (as incorporated by R18-8-270) shall be submitted to the Director in such a manner that the reports are received within the time periods required under this Article.]
- M.** § 270.32, titled “Establishing permit conditions,” paragraph (a), is amended by deleting the following:
- “and 270.3 (considerations under Federal law).”
- N.** § 270.32, titled “Establishing permit conditions,” paragraph (b) is amended by deleting the reference to 40 CFR 267.
- O.** § 270.32, titled “Establishing permit conditions,” paragraph (c) is amended by deleting the second sentence.
- P.** § 270.51, titled “Continuation of expiring permits,” paragraph (a) is amended by deleting the following:
- “under 5 USC 558(c).”
- Q.** § 270.51, titled “Continuation of expiring permits,” paragraph (d) is amended by replacing “EPA-issued” with “EPA, joint EPA/DEQ, or DEQ-issued.”
- R.** § 270.65, titled “Research, development, and demonstration permits,” is amended as follows:
- (a) The [Director] may issue a research, development, and demonstration permit for any hazardous waste treatment facility which proposes to utilize an innovative and experimental hazardous waste treatment technology or process for which permit standards for such experimental activity have not been promulgated under Part 264 or 266 [(as incorporated by R18-8-264 and R18-8-266).] [A research, development, and demonstration] permit shall include such terms and conditions as will assure protection of human health and the environment. Such permits:
- (1) Shall provide for the construction of such facilities as necessary, and for operation of the facility for not longer than one year unless renewed as provided in paragraph (d) of this subsection, and
  - (2) Shall provide for the receipt and treatment by the facility of only those types and quantities of hazardous waste which the [Director] deems necessary for purposes of determining the efficacy and performance capabilities of the technology or process and the effects of such technology or process on human health and the environment, and
- (3) Shall include such requirements as the [Director] deems necessary to protect human health and the environment [, including requirements regarding monitoring, operation, financial responsibility, closure, and remedial action, and such requirements as the Director] deems necessary regarding testing and providing of information [relevant] to the [Director] with respect to the operation of the facility.
- (b) For the purpose of expediting review and issuance of permits under this Section, the [Director] may, consistent with the protection of human health and the environment, modify or waive permit application and permit issuance requirements [, or add conditions to the permit in accordance with the permitting procedures set forth in R18-8-270 and R18-8-271.] except that there may be no modification or waiver of regulations regarding financial responsibility (including insurance) or of procedures regarding public participation.
- (c) The [Director] may order an immediate termination of all operations at the facility at any time [the Director] determines that termination is necessary to protect human health and the environment.
- (d) Any permit issued under this subsection may be renewed not more than three times. Each such renewal shall be for a period of not more than one year.
- S.** § 270.110, titled “What must I include in my application for a RAP?,” is amended by adding paragraphs (j) and (k) as follows:
- [j] A signed statement, submitted on a form supplied by DEQ that demonstrates:
- (1) An individual owner or operator has sufficient reliability, expertise, integrity and competence to operate a HWM facility, and has not been convicted of, or pled guilty or no contest to, a felony in any state or federal court during the five years before the date of the RAP application.
  - (2) In the case of a corporation or business entity, no officer, director, partner, key employee, other person or business entity who holds 10% or more of the equity or debt liability has been convicted of, or pled guilty or no contest to, a felony in any state or federal court during the five years before the date of the RAP application.
- (k) Failure to comply with subsection (j), the requirements of A.R.S. § 49-922(C)(1), and the requirements of § 270.43 (as incorporated by R18-8-270) and §§ 124.3(d) and 124.5(a) (as incorporated by R18-8-271), may cause the Director to refuse to issue a permit to a TSD facility pursuant to A.R.S. § 49-922(C) as amended, including requirements in § 270.43 (as incorporated by R18-8-270) and §§ 124.3(d) and 124.5(a) (as incorporated by R18-8-271).]

#### Historical Note

Adopted effective July 24, 1984 (Supp. 84-4). Amended subsections (A) and (K) effective June 27, 1985 (Supp. 85-3). Amended subsection (A) effective August 5, 1986 (Supp. 86-4). Former Section R9-8-1870 renumbered as R18-8-270, subsection (A) amended and a new subsection (S) added effective May 29, 1987 (Supp. 87-2). Amended subsections (B) and (K) effective December 1, 1988 (Supp. 88-4). Amended effective October 11, 1989 (Supp. 89-4). Amended effective August 14, 1991 (Supp.

91-3). Amended effective October 6, 1992 (Supp. 92-4). Amended effective December 2, 1994 (Supp. 94-4). Amended effective December 7, 1995 (Supp. 95-4). Amended effective June 13, 1996 (Supp. 96-2). Amended effective August 8, 1997 (Supp. 97-3). Amended effective June 4, 1998 (Supp. 98-2). Amended by final rulemaking at 5 A.A.R. 4625, effective November 15, 1999 (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 3093, effective July 24, 2000 (Supp. 00-3). Amended by final rulemaking at 9 A.A.R. 816, effective April 15, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 4364, effective December 4, 2004 (Supp. 04-4). Amended by final rulemaking at 11 A.A.R. 5523, effective February 4, 2006 (Supp. 05-4). Amended by final rulemaking at 12 A.A.R. 3061, effective October 1, 2006 (Supp. 06-3). Amended by final rulemaking at 14 A.A.R. 409, effective March 8, 2008 (Supp. 08-1). Amended by final rulemaking at 18 A.A.R. 1202, effective July 1, 2012 (Supp. 12-2).

**R18-8-271. Procedures for Permit Administration**

- A.** All of 40 CFR 124 and the accompanying appendix, revised as of July 1, 2006 (and no future editions), relating to HWM facilities, with the exception of §§ 124.1 (b) through (e), 124.2, 124.4, 124.16, 124.20 and 124.21, and with the exception of the revisions for standardized permits as published at 70 FR 53419, is incorporated by reference, modified by the following subsections, and on file with the DEQ. Copies of 40 CFR 124 are available at [www.gpoaccess.gov/cfr/index.html](http://www.gpoaccess.gov/cfr/index.html).
- B.** § 124.1, titled “Purpose and scope,” paragraph (a) is replaced by the following:
- [This Section contains the DEQ procedures for issuing, modifying, revoking and reissuing, or terminating all hazardous waste management facility permits. This Section describes the procedures the DEQ shall follow in reviewing permit applications, preparing draft permits, issuing public notice, inviting public comment, and holding public hearings on draft permits. This Section also includes procedures for assembling an administrative record, responding to comments, issuing a final permit decision, and allowing for administrative appeal of the final permit decision. The procedures of this Section also apply to denial of a permit for the active life of a RCRA HWM facility or unit under § 270.29 (as incorporated by R18-8-270(A)).]
- C.** § 124.3, titled “Application for a permit,” is replaced by the following:
- (a) (1) Any person who requires a permit under this Article shall complete, sign, and submit to the Director an application for each permit required under § 270.1 (as incorporated by R18-8-270). Applications are not required for RCRA permits-by-rule in § 270.60 (as incorporated by R18-8-270).
  - (2) The Director shall not begin processing a permit until the applicant has fully complied with the application requirements for that permit. (Refer to §§ 270.10 and 270.13 as incorporated by R18-8-270).
  - (3) An applicant for a permit shall comply with the signature and certification requirements of § 270.11, as incorporated by R18-8-270.
- (b) Reserved.
- (c) The Director shall review for completeness every application for a permit. Each application submitted by a new HWM facility shall be reviewed for completeness by the Director in the order of priority on the basis of hazardous waste capacity established in a list by the Director. The Director shall make the list available upon request. Upon completing the review, the Director shall notify the applicant in writing whether the application is complete. If the application is incomplete, the Director shall list the information necessary to make the application complete. When the application is for an existing HWM facility, the Director shall specify in the notice of deficiency a date for submitting the necessary information. The Director shall notify the applicant that the application is complete upon receiving this information. After the application is completed, the Director may request additional information from an applicant but only when necessary to clarify, modify, or supplement previously submitted material. Requests for additional information do not render an application incomplete.
- (d) If an applicant fails or refuses to correct deficiencies in the application, the permit may be denied and the Director may take appropriate enforcement actions against an existing HWM facility pursuant to A.R.S. §§ 49-923, 49-924 and 49-925.
- (e) If the Director decides that a site visit is necessary for any reason in conjunction with the processing of an application, the Director shall notify the applicant and schedule a date for a site visit.
- (f) The effective date of an application is the date on which the Director notifies the applicant that the application is complete as provided in paragraph (c) of this subsection.
- (g) For each application from a new HWM facility, the Director shall, no later than the effective date of the application, prepare and mail to the applicant a project decision schedule. The schedule shall specify target dates by which the Director intends to do the following:
- (1) Prepare a draft permit or Notice of Intent to Deny;
  - (2) Give public notice;
  - (3) Complete the public comment period, including any public hearing;
  - (4) Make a decision to issue or deny a final permit; and
  - (5) Issue a final decision.
- D.** § 124.5, titled “Modification, revocation, and reissuance, or termination of permits,” is replaced by the following:
- [(a) Permits may be modified, revoked, and reissued, or terminated either at the request of any interested person (including the permittee) or upon the Director’s initiative. However, permits may only be modified, revoked, and reissued, or terminated for the reasons specified in §§ 270.41 or 270.43 (as incorporated by R18-8-270). All requests shall be in writing and shall contain facts or reasons supporting the request.
- (b) If the Director decides the request is not justified, the Director shall send the requester a brief written response giving a reason for the decision. Denials of requests for modification, revocation and reissuance, or termination are not subject to public notice, comment, or hearings.
- (c) Modification, revocation or reissuance of permits procedures.
- (1) If the Director tentatively decides to modify or revoke and reissue a permit under §§ 270.41 or 270.42(c) (as incorporated by R18-8-270), the Director shall prepare a draft permit under § 124.6 (as incorporated by R18-8-271(E)), incorporating the proposed changes. The Director may request additional information and, in the case of a modified permit, may require the submission of an updated application. In the case of revoked and reissued permits, the Director shall require the submission of a new application.

- (2) In a permit modification under this [subsection], only those conditions to be modified shall be reopened when a new draft permit is prepared. All other aspects of the existing permit shall remain in effect for the duration of the unmodified permit. The permit modification shall have the same expiration date as the unmodified permit. When a permit is revoked and reissued under this subsection, the entire permit is reopened just as if the permit had expired and was being reissued. During any revocation and reissuance proceeding the permittee shall comply with all conditions of the existing permit until a new final permit is reissued.
- (3) “Classes 1 and 2 modifications” as defined in § 270.42 (as incorporated by R18-8-270) are not subject to the requirements of this subsection.
- (d) If the Director tentatively decides to terminate a permit under § 270.43 (as incorporated by R18-8-270), the Director shall issue a notice of intent to terminate. A notice of intent to terminate is a type of draft permit which follows the same procedures as any draft permit prepared under § 124.6 (as incorporated by R18-8-271(E)). In the case of permits that are processed or issued jointly by both the DEQ and the EPA, a notice of intent to terminate shall not be issued if the Regional Administrator and the permittee agree to termination in the course of transferring permit responsibilities from the EPA to the state.
- (e) The Director shall base all draft permits, including notices of intent to terminate, prepared under this subsection on the administrative record as defined in § 124.9 (as incorporated by R18-8-271(H)).]
- E.** § 124.6, titled “Draft permits,” is replaced by the following:
- (a) Once an application is complete, the Director shall tentatively decide whether to prepare a draft permit or to deny the application.
- (b) If the Director tentatively decides to deny the permit application, the Director shall issue a notice of intent to deny. A notice of intent to deny the permit application is a type of draft permit which follows the same procedures as any draft permit prepared under (e) of this subsection.
- (c) Reserved.
- (d) If the Director decides to prepare a draft permit, the Director shall prepare a draft permit that contains the following information:
- (1) All conditions under §§ 270.30 and 270.32 (as incorporated by R18-8-270), unless not required under 40 CFR 264 and 265 (as incorporated by R18-8-264 and R18-8-265);
  - (2) All compliance schedules under § 270.33 (as incorporated by R18-8-270);
  - (3) All monitoring requirements under § 270.31 (as incorporated by R18-8-270); and
  - (4) Standards for treatment, storage, and/or disposal and other permit conditions under § 270.30 (as incorporated by R18-8-270).
- (e) All draft permits prepared by the DEQ under this subsection shall be accompanied by a statement of basis (§ 124.7, as incorporated by R18-8-271(F)) or fact sheet (§ 124.8, as incorporated by R18-8-271(G)), and shall be based on the administrative record (§ 124.9, as incorporated by R18-8-271(H)), publicly noticed (§ 124.10, as incorporated by R18-8-271(I)) and made available for public comment (§ 124.11, as incorporated by R18-8-271(J)). The Director shall give notice of opportunity for a public hearing (§ 124.12, as incorporated by R18-271(K)), issue a final decision (§ 124.15, as incorporated by R18-8-271(N)) and respond to comments (§ 124.17, as incorporated by R18-8-271(O)).
- F.** § 124.7, titled “Statement of basis,” is replaced by the following:
- The DEQ shall prepare a statement of basis for every draft permit for which a fact sheet under § 124.8, (as incorporated by R18-8-271(G)), is not prepared. The statement of basis shall briefly describe the derivation of the conditions of the draft permit and the reasons for them or, in the case of notices of intent to deny or terminate, reasons supporting the tentative decision. The statement of basis shall be sent to the applicant and, on request, to any other person.
- G.** § 124.8, titled “Fact sheet,” is replaced by the following:
- (a) The DEQ shall prepare a fact sheet for every draft permit for a new HWM facility, and for every draft permit that the Director finds is the subject of widespread public interest or raises major issues. The fact sheet shall briefly set forth the principal facts and the significant factual, legal, methodological and policy questions considered in preparing the draft permit. The Director shall send this fact sheet to the applicant and, on request, to any other person.
- (b) The fact sheet shall include, when applicable:
- (1) A brief description of the type of facility or activity that is the subject of the draft permit;
  - (2) The type and quantity of wastes, that are proposed to be or are being treated, stored, or disposed;
  - (3) Reserved.
  - (4) A brief summary of the basis for the draft permit conditions including references to applicable statutory or regulatory provisions and appropriate supporting references to the administrative record required by § 124.9, (as incorporated by R18-8-271(H));
  - (5) Reasons why any requested variances or alternatives to required standards do or do not appear justified;
  - (6) A description of the procedures for reaching a final decision on the draft permit including:
    - (i) The beginning and ending dates of the comment period under §§ 124.10 (as incorporated by R18-8-271(I)) and the address where comments will be received;
    - (ii) Procedures for requesting a hearing and the nature of that hearing; and
    - (iii) Any other procedures by which the public may participate in the final decision; and
  - (7) Name and telephone number of a person to contact for additional information.
  - (8) Reserved.
- H.** § 124.9 titled “Administrative record for draft permits” is replaced by the following:
- (a) The provisions of a draft permit prepared under § 124.6 (as incorporated by R18-8-271(E)) shall be based on the administrative record defined in this subsection.
- (b) For preparing a draft permit under § 124.6 (as incorporated by R18-8-271(E)), the record consists of:
- (1) The application, if required, and any supporting data furnished by the applicant, subject to paragraph (e) of this subsection;
  - (2) The draft permit or notice of intent to deny the application or to terminate the permit;
  - (3) The statement of basis under §§ 124.7 (as incorporated by R18-8-271(F)) or fact sheet under § 124.8 (as incorporated by R18-8-271(G));

- (4) All documents cited in the statement of basis or fact sheet; and
- (5) Other documents contained in the supporting file for the draft permit.
- (6) Reserved.
- (c) Material readily available at the DEQ or published material that is generally available, and that is included in the administrative record under paragraphs (b) and (c) of this subsection, need not be physically included with the rest of the record as long as it is specifically referred to in the statement of basis or the fact sheet.
- (d) This subsection applies to all draft permits when public notice was given after the effective date of these rules.
- (e) All items deemed confidential pursuant to A.R.S. § 49-928 shall be maintained separately and not disclosed to the public.
- I. § 124.10, titled “Public notice of permit actions and public comment period,” is replaced by the following:
- (a) Scope.
- (1) The Director shall give public notice that the following actions have occurred:
- (i) A permit application has been tentatively denied under § 124.6(b) (as incorporated by R18-8-271(E));
- (ii) A draft permit has been prepared under § 124.6(d) (as incorporated by R18-8-271(E)); and
- (iii) A hearing has been scheduled under § 124.12 (as incorporated by R18-8-271(K)).
- (2) No public notice is required when a request for permit modification, revocation and reissuance, or termination is denied under § 124.5(b) (as incorporated by R18-8-271(D)). Written notice of that denial shall be given to the requester and to the permittee.
- (3) Public notices may describe more than one permit or permit actions.
- (b) Timing.
- (1) Public notice of the preparation of a draft permit (including a notice of intent to deny a permit application) required under paragraph (a) of this subsection shall allow at least 45 days for public comment.
- (2) Public notice of a public hearing shall be given at least 30 days before the hearing. (Public notice of the hearing may be given at the same time as public notice of the draft permit and the two notices may be combined.)
- (c) Methods. Public notice of activities described in paragraph (a)(1) of this subsection shall be given by the following methods:
- (1) By mailing a copy of a notice to the following persons (any person otherwise entitled to receive notice under this subparagraph may waive his or her rights to receive notice for any classes and categories of permits):
- (i) An applicant;
- (ii) Any other agency which the Director knows has issued or is required to issue a HWM facility permit or any other federal environmental permit for the same facility or activity;
- (iii) Federal and state agencies with jurisdiction over fish, shellfish, and wildlife resources, the Advisory Council on Historic Preservation, State Historic Preservation Officers, including any affected states (Indian Tribes). For purposes of this paragraph, and in the context of the Underground Injection Control Program
- only, the term State includes Indian Tribes treated as States;
- (iv) Reserved.
- (v) Reserved.
- (vi) Reserved.
- (vii) Reserved.
- (viii) For Class I injection well UIC permits only, state and local oil and gas regulatory agencies and state agencies regulating mineral exploration and recovery;
- (ix) Persons on a mailing list developed by:
- (A) Including those who request in writing to be on the list;
- (B) Soliciting persons for “area lists” from participants in past permit proceedings in that area; and
- (C) Notifying the public of the opportunity to be put on the mailing list through periodic publication in the public press and in such publications as regional and state-funded newsletters, environmental bulletins, or state law journals. (The Director may update the mailing list from time to time by requesting written indication of continued interest from those listed. The Director may delete from the list the name of any person who fails to respond to the request.); and
- (x) (A) To any unit of local government having jurisdiction over the area where the facility is proposed to be located; and
- (B) To each state agency having any authority under state law with respect to the construction or operation of the facility;
- (2) By newspaper publication and radio announcement broadcast, as follows:
- (i) Reserved.
- (ii) For all permits, publication of a notice in a daily or weekly major local newspaper of general circulation within the area affected by the facility or activity, at least once, and in accordance with the provisions of paragraph (b) of this subsection; and
- (iii) For all permits, a radio announcement broadcast over two local radio stations serving the affected area at least once during the period two weeks prior to the public hearing. The announcement shall contain:
- (A) A brief description of the nature and purpose of the hearing;
- (B) The information described in items (i), (ii), (iii), (iv), and (vii) of subparagraph (d)(1) of this subsection;
- (C) The date, time, and place of the hearing; and
- (D) Any additional information considered necessary or proper; or
- (3) Reserved.
- (4) Any other method reasonably calculated to give actual notice of the action in question to the persons potentially affected by it, including press releases or any other forum or medium to elicit public participation.
- (d) (1) Each public notice issued under this Article shall contain the following minimum information:

- (i) Name and address of the office processing the permit action for which notice is being given;
  - (ii) Name and address of the permittee or permit applicant and, if different, of the facility or activity regulated by such permit;
  - (iii) A brief description of the business conducted at the facility or activity described in the permit application;
  - (iv) Name, address and telephone number of a person from whom interested persons may obtain further information, including copies of the statement of basis or fact sheet;
  - (v) A brief description of the comment procedures required by §§ 124.11 (as incorporated by R18-8-271(J) and 124.12 (as incorporated by R18-8-271(K)) and the time and place of any hearing that shall be held, including a statement of procedures to request a hearing (unless a hearing has already been scheduled) and other procedures by which the public may participate in the final permit decision;
  - (vi) The location of the administrative record required by § 124.9 (as incorporated by R18-8-271(H)), the times at which the record will be open for public inspection, and a statement that all data submitted by the applicant (except for confidential information pursuant to A.R.S. § 49-928) is available as part of the administrative record;
  - (vii) The locations where a copy of the application and the draft permit may be inspected and the times at which these documents are available for public review; and
  - (viii) Reserved.
  - (ix) Any additional information considered necessary or proper.
- (2) Public notices for hearings. In addition to the general public notice described in paragraph (d)(1) of this subsection, the public notice of a hearing under § 124.12 (as incorporated by R18-8-271(K)) shall contain the following information:
- (i) Reference to the date of previous public notices relating to the permit;
  - (ii) Date, time, and place of the hearing; and
  - (iii) A brief description of the nature and purpose of the hearing, including the applicable rules and procedures.
  - (iv) Reserved.
- (e) In addition to the general public notice described in paragraph (d)(1) of this subsection, all persons identified in paragraphs (c)(1)(i), (ii), and (iii) of this subsection shall be mailed a copy of the fact sheet or statement of basis, the permit application (if any), and the draft permit (if any).
- J.** § 124.11, titled “Public comments and requests for public hearings,” is replaced by the following:  
During the public comment period provided under § 124.10 (as incorporated by R18-8-271(I)), any person may submit written comments on the draft permit and may request a public hearing, if no hearing has already been scheduled. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing. All comments shall be considered in making the final decision and shall be answered as provided in § 124.17 (as incorporated by R18-8-271(O)).
- K.** § 124.12, titled “Public hearings,” is replaced by the following:
- [(a) (1) The Director shall hold a public hearing whenever the Director finds, on the basis of requests, a significant degree of public interest in a draft permit.
  - (2) The Director may also hold a public hearing at the Director’s discretion whenever, for instance, such a hearing might clarify one or more issues involved in the permit decision.
  - (3) The Director shall hold a public hearing whenever written notice of opposition to a draft permit and a request for a hearing has been received within 45 days of public notice under § 124.10(b)(1) (as incorporated by R18-8-271(I)). Whenever possible the Director shall schedule a hearing under this subsection at a location convenient to the nearest population center to the proposed facility.
  - (4) Public notice of the hearing shall be given as specified in § 124.10 (as incorporated by R18-8-271(I)).
  - (b) Reserved.
  - (c) Any person may submit oral or written statements and data concerning the draft permit. Reasonable limits may be set upon the time allowed for oral statements, and the submission of statements in writing may be required. The public comment period under § 124.10 (as incorporated by R18-8-271(I)) shall automatically be extended to the close of any public hearing under this subsection. The hearing officer may also extend the comment period by so stating at the hearing.
  - (d) A tape recording or written transcript of the hearing shall be made available to the public.
  - (e) Reserved.]
- L.** § 124.13, titled “Obligation to raise issues and provide information during the public comment period,” is replaced by the following:  
[All persons, including applicants, who believe any condition of a draft permit is inappropriate or that the Director’s tentative decision to deny an application, terminate a permit, or prepare a draft permit is inappropriate, shall raise all reasonably ascertainable issues and submit all reasonably available arguments supporting their position by the close of the public comment period (including any public hearing) under § 124.10, (as incorporated by R18-8-271(I)). Any supporting materials that a commenter submits shall be included in full and shall not be incorporated by reference, unless they are already part of the administrative record in the same proceeding or consist of state or federal statutes and regulations, EPA documents of general applicability, or other generally available reference materials. Commenters shall make supporting material not already included in the administrative record available to the DEQ as directed by the Director.]
- M.** § 124.14, titled “Reopening of the public comment period,” is replaced by the following:
- (a) (1) The Director may order the public comment period reopened if the procedures of this paragraph could expedite the decision-making process. When the public comment period is reopened under this paragraph, all persons, including applicants, who believe any condition of a draft permit is inappropriate or that the Director’s tentative decision to deny an application, terminate a permit, or prepare a draft permit is inappropriate, must submit all reasonably available factual grounds supporting their position, including all supporting material, by a date, not less than 60 days after public notice under paragraph (a)(2) of this subsection, set by the Director. Thereafter, any person may file a written response to the

material filed by any other person, by a date, not less than 20 days after the date set for filing of the material, set by the Director.

- (2) Public notice of any comment period under this paragraph shall identify the issues to which the requirements of § 124.14(a) (as incorporated by R18-8-271(M)) apply.
  - (3) On the Director's own motion or on the request of any person, the Director may direct that the requirements of paragraph (a)(1) of this subsection shall apply during the initial comment period where it reasonably appears that issuance of the permit will be contested and that applying the requirements of paragraph (a)(1) of this subsection will substantially expedite the decision-making process. The notice of the draft permit shall state whenever this has been done.
  - (4) A comment period of longer than 60 days will often be necessary in complicated proceedings to give commenters a reasonable opportunity to comply with the requirements of this subsection. Commenters may request longer comment periods and they shall be granted under § 124.10 (as incorporated by R18-8-271(I)) to the extent they appear necessary.
- (b) If any data, information, or arguments submitted during the public comment period, including information or arguments required under § 124.13 (as incorporated by R18-8-271(L)), appear to raise substantial new questions concerning a permit, the Director may take one or more of the following actions:
- (1) Prepare a new draft permit, appropriately modified, under §§ 124.6 (as incorporated by R18-8-271(E));
  - (2) Prepare a revised statement of basis under § 124.7 (as incorporated by R18-8-271(F)), a fact sheet or revised fact sheet under this § 124.8 (as incorporated by R18-8-271(G)), and reopen the comment period under this subsection; or,
  - (3) Reopen or extend the comment period under § 124.10 (as incorporated by R18-8-271(I)) to give interested persons an opportunity to comment on the information or arguments submitted.
- (c) Comments filed during the reopened comment period shall be limited to the substantial new questions that caused its reopening. The public notice under § 124.10 (as incorporated by R18-8-271(I)) shall define the scope of the reopening.
- (d) Reserved.
- (e) Public notice of any of the above actions shall be issued under §§ 124.10 (as incorporated by R18-8-271(I)).
- N. § 124.15, titled "Issuance and effective date of permit," is replaced by the following:
- (a) After the close of the public comment period under § 124.10 (as incorporated by R18-8-271(I)) on a draft permit, the Director shall issue a final permit decision or a decision to deny a permit for the active life of a RCRA hazardous waste management facility or unit under § 270.29 (as incorporated by R18-8-270(A)). The Director shall notify the applicant and each person who has submitted written comments or requested notice of the final permit decision. This notice shall include reference to the procedures for appealing a decision on a permit or a decision to terminate a permit. For purposes of this subsection, a final permit decision means a final decision to issue, deny, modify, revoke and reissue, or terminate a permit.
    - (b) A final permit decision or a decision to deny a permit for the active life of a RCRA hazardous waste management facility or unit under § 270.29 (as incorporated by R18-8-270(A)) becomes effective on the date specified by the Director in the final permit notice.
      - (1) Reserved.
      - (2) Reserved.
      - (3) Reserved.
- O. § 124.17, titled "Response to comments," is replaced by the following:
- (a) At the time that any final decision to issue a permit is made under § 124.15 (as incorporated by R18-8-271(N)), the Director shall issue a response to comments. This response shall:
    - (1) Specify which provisions, if any, of the draft permit have been changed in the final permit decision, and the reasons for the change; and
    - (2) Briefly describe and respond to all significant comments on the draft permit raised during the public comment period, or during any hearing.
  - (b) Any documents cited in the response to comments shall be included in the administrative record for the final permit decision as defined in § 124.18 (as incorporated by R18-8-271(P)). If new points are raised or new material supplied during the public comment period, the DEQ may document its response to those matters by adding new materials to the administrative record.
  - (c) The response to comments shall be available to the public.
- P. § 124.18, titled "Administrative record for final permit" is replaced by the following:
- (a) The Director shall base final permit decisions under § 124.15 (as incorporated by R18-8-271(N)) on the administrative record defined in this subsection.
  - (b) The administrative record for any final permit shall consist of the administrative record for the draft permit, and:
    - (1) All comments received during the public comment period provided under § 124.10 (as incorporated by R18-8-271(I)), including any extension or reopening under § 124.14, (as incorporated by R18-8-271(M));
    - (2) The tape or transcript of any hearing(s) held under § 124.12 (as incorporated by R18-8-271(K));
    - (3) Any written materials submitted at such a hearing;
    - (4) The response to comments required by § 124.17 (as incorporated by R18-8-271(O)) and any new material placed in the record under that subsection;
    - (5) Reserved.
    - (6) Other documents contained in the supporting file for the permit; and
    - (7) The final permit.
  - (c) The additional documents required under (b) of this subsection shall be added to the record as soon as possible after their receipt or publication by the DEQ. The record shall be complete on the date the final permit is issued.
  - (d) This subsection applies to all final permits when the draft permit was subject to the administrative record requirement of § 124.9 (as incorporated by R18-8-271(H)).
  - (e) Material readily available at the DEQ, or published materials which are generally available and which are included in the administrative record under the standards of this subsection or of § 124.17 (as incorporated by R18-8-271(O)), ("Response to comments"), need not be physically included in the same file as the rest of the record as long as the materials and their location are specifically identified in the statement of basis or fact sheet or in the response to comments.

- Q.** § 124.19, titled “Appeal of RCRA, UIC, and PSD permits,” is replaced by the following:

A final permit decision (or a decision under § 270.29 (as incorporated by R18-8-270(A)) to deny a permit for the active life of a RCRA hazardous waste management facility or unit issued under § 124.15 (as incorporated by R18-8-271(N)) is an appealable agency action as defined in A.R.S. § 49-1092 and is subject to appeal under A.R.S. Title 41, Ch. 6, Art. 10.

- R.** § 124.31(a) titled “Pre-application public meeting and notice” is amended by deleting the following sentence:

“For the purpose of this section only, ‘hazardous waste management units over which EPA has permit issuance authority’ refers to hazardous waste management units for which the State where the units are located has not been authorized to issue RCRA permits pursuant to 40 CFR 271.”

- S.** § 124.32(a) titled “Public notice requirements at the application stage” is amended by deleting the following sentence:

“For the purpose of this section only, ‘hazardous waste management units over which EPA has permit issuance authority’ refers to hazardous waste management units for which the State where the units are located has not been authorized to issue RCRA permits pursuant to 40 CFR 271.”

- T.** § 124.33(a) titled “Information repository” is amended by deleting the following sentence:

“For the purpose of this section only, ‘hazardous waste management units over which EPA has permit issuance authority’ refers to hazardous waste management units for which the State where the units are located has not been authorized to issue RCRA permits pursuant to 40 CFR 271.”

#### Historical Note

Adopted effective July 24, 1984 (Supp. 84-4). Amended subsection (A) effective June 27, 1985 (Supp. 85-3). Amended subsection (A) effective August 5, 1986 (Supp. 86-4). Former Section R9-8-1871 renumbered as R18-8-271; subsections (A), (C), (E), (I), (L) and (M) amended effective May 29, 1987 (Supp. 87-2). Amended subsection (C) effective December 1, 1988 (Supp. 88-4). Amended effective October 11, 1989 (Supp. 89-4). Amended effective August 14, 1991 (Supp. 91-3). Amended effective October 6, 1992 (Supp. 92-4). Amended effective December 2, 1994 (Supp. 94-4). Amended effective December 7, 1995 (Supp. 95-4). Amended effective June 13, 1996 (Supp. 96-2). Amended effective August 8, 1997 (Supp. 97-3). Amended effective June 4, 1998 (Supp. 98-2). Amended by final rulemaking at 5 A.A.R. 4625, effective November 15, 1999 (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 3093, effective July 24, 2000 (Supp. 00-3). Amended by final rulemaking at 9 A.A.R. 816, effective April 15, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 4364, effective December 4, 2004 (Supp. 04-4). Amended by final rulemaking at 11 A.A.R. 5523, effective February 4, 2006 (Supp. 05-4). Amended by final rulemaking at 12 A.A.R. 3061, effective October 1, 2006 (Supp. 06-3). Amended by final rulemaking at 14 A.A.R. 409, effective March 8, 2008 (Supp. 08-1).

#### **R18-8-272. Reserved**

#### **R18-8-273. Standards for Universal Waste Management**

All of 40 CFR 273, revised as of July 14, 2006 (and no future editions), is incorporated by reference and on file with the DEQ. Copies

of 40 CFR 273 are available at [www.gpoaccess.gov/cfr/index.html](http://www.gpoaccess.gov/cfr/index.html).

#### Historical Note

Adopted effective June 13, 1996 (Supp. 96-2). Amended effective August 8, 1997 (Supp. 97-3). Amended effective June 4, 1998 (Supp. 98-2). Amended by final rulemaking at 5 A.A.R. 4625, effective November 15, 1999 (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 3093, effective July 24, 2000 (Supp. 00-3). Amended by final rulemaking at 9 A.A.R. 816, effective April 15, 2003 (Supp. 03-1). Amended by final rulemaking at 12 A.A.R. 3061, effective October 1, 2006 (Supp. 06-3). Amended by final rulemaking at 14 A.A.R. 409, effective March 8, 2008 (Supp. 08-1).

#### **R18-8-274. Reserved**

#### **R18-8-275. Reserved**

#### **R18-8-276. Reserved**

#### **R18-8-277. Reserved**

#### **R18-8-278. Reserved**

#### **R18-8-279. Reserved**

#### **R18-8-280. Compliance**

- A.** Inspection and entry. For purposes of ensuring compliance with the provisions of HWMA, any person who generates, stores, treats, transports, disposes of, or otherwise handles hazardous wastes, including used oil that may be classified as hazardous waste pursuant to A.R.S. Title 49, Chapter 4, Article 7 shall, upon request of any officer, employee, or representative of the DEQ duly designated by the Director, furnish information pertaining to such wastes and permit such person at reasonable times:

1. To enter any establishment or other place maintained by such person where hazardous wastes are or have been generated, stored, treated, disposed, or transported from;
2. To have access to, and to copy all records relating to such wastes;
3. To inspect any facilities, equipment (including monitoring and control equipment), practices, and operations, relating to such wastes;
4. To inspect, monitor, and obtain samples from such person of any such wastes and of any containers or labeling for such wastes; and
5. To record any inspection by use of written, electronic, magnetic and photographic media.

- B.** Penalties. A person who violates HWMA or any permit, rule, regulation, or order issued pursuant to HWMA is subject to civil and/or criminal penalties pursuant to A.R.S. §§ 49-923 through 49-925, as amended. Nothing in this Article shall be construed to limit the Director’s or Attorney General’s enforcement powers authorized by law including but not limited to the seeking or recovery of any civil or criminal penalties.

- C.** A certification statement may be required on written submittals to the DEQ in response to Compliance Orders or in response to information requested pursuant to subsection (A) of this Section. In addition, the DEQ may request in writing that a certification statement appear in any written submittal to the DEQ. The certification statement shall be signed by a person authorized to act on behalf of the company or empowered to make decisions on behalf of the company on the matter contained in the document.

- D.** Site assessment plan.

1. The requirement to develop a site assessment plan shall be contained in a Compliance Order. The Director may

require an owner or operator to develop a site assessment plan based on one or more of the following conditions:

- a. Unauthorized disposal or discharges of hazardous waste or hazardous waste constituents which have not been remediated.
  - b. Results of environmental sampling by the DEQ that indicate the presence of a hazardous waste or hazardous waste constituents.
  - c. Visual observation of unauthorized disposal or discharges which cannot be verified pursuant to § 262.11 (as incorporated by R18-8-262), § 264.13 (as incorporated by R18-8-264), or § 265.13 (as incorporated by R18-8-265) as not containing a hazardous waste or hazardous waste constituents.
  - d. Other evidence of disposal or discharges of hazardous waste or hazardous waste constituents into the environment which have not been remediated.
2. The site assessment plan shall describe in detail the procedures to determine the nature, extent and degree of hazardous waste contamination in the environment.
  3. The site assessment plan shall be approved by the DEQ before implementation.
  4. The site assessment shall be conducted and the results shall be submitted to the DEQ within the time limitations established by the DEQ.
  5. The DEQ may request in writing that a site assessment plan be conducted. The DEQ will review a voluntarily submitted site assessment plan if the plan satisfies the requirements listed in subsections (D)(2) through (4).

#### Historical Note

Adopted effective July 24, 1984 (Supp. 84-4). Amended subsection (B) effective June 27, 1985 (Supp. 85-3). Former Section R9-8-1880 renumbered as Section R18-8-280, and subsection (A) amended effective May 29, 1987 (Supp. 87-2). Amended subsection (B) effective December 1, 1988 (Supp. 88-4). Amended October 11, 1989 (Supp. 89-4). Amended effective October 6, 1992 (Supp. 92-4). Amended effective December 2, 1994 (Supp. 94-4). Amended effective June 13, 1996 (Supp. 96-2).

### ARTICLE 3. RECODIFIED

*Title 18, Chapter 8, Article 3, consisting of Sections R18-8-301 through R18-8-305, Table A, Exhibit 1, and Appendices A and B, recodified to Title 18, Chapter 13, Article 13, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).*

#### R18-8-301. Recodified

##### Historical Note

Adopted effective August 16, 1993 (Supp. 93-3). Amended effective March 24, 1994 (Supp. 94-1). Section recodified to A.A.C. R18-13-1301, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

#### R18-8-302. Recodified

##### Historical Note

Adopted effective August 16, 1993 (Supp. 93-3). Section recodified to A.A.C. R18-13-1302, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

#### R18-8-303. Recodified

##### Historical Note

Adopted effective August 16, 1993 (Supp. 93-3). Section recodified to A.A.C. R18-13-1303, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

#### R18-8-304. Recodified

##### Historical Note

Adopted effective August 16, 1993 (Supp. 93-3). Section recodified to A.A.C. R18-13-1304, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

#### R18-8-305. Recodified

##### Historical Note

Adopted effective August 16, 1993 (Supp. 93-3). Section recodified to A.A.C. R18-13-1305, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

#### R18-8-306. Repealed

##### Historical Note

Emergency rule adopted effective February 22, 1993, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 93-1). Emergency expired. Emergency rule adopted again effective May 26, 1993, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 93-2). Emergency expired. Emergency rule adopted again effective August 30, 1993, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 93-3). Permanent rule adopted effective December 2, 1993 (Supp. 93-4). The permanent rule that was adopted effective December 2, 1993, was inadvertently published without the changes the agency made. Those changes appear here. (Supp. 95-4). Section repealed by summary rulemaking with an interim effective date of July 16, 1999, filed in the Office of the Secretary of State June 25, 1999 (Supp. 99-2). Interim effective date of July 16, 1999 now the permanent effective date (Supp. 99-4).

#### R18-8-307. Recodified

##### Historical Note

Emergency rule adopted effective December 21, 1993, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 93-4). Permanent rule adopted with changes effective March 24, 1994 (Supp. 94-1). Section recodified to A.A.C. R18-13-1307, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

#### Table A. Recodified

##### Historical Note

Emergency rule adopted effective December 21, 1993, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 93-4). Permanent rule adopted with changes effective March 24, 1994 (Supp. 94-1). Table A recodified to 18 A.A.C. 13, Article 3, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

#### Exhibit 1. Recodified

##### Historical Note

Emergency rule adopted effective December 21, 1993, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 93-4). Permanent rule adopted with changes effective March 24, 1994 (Supp. 94-1). Exhibit 1 recodified to 18 A.A.C. 13, Article 3, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

#### Appendix A. Recodified

##### Historical Note

Adopted effective August 16, 1993 (Supp. 93-3). Appendix A recodified to 18 A.A.C. 13, Article 3, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**Appendix B. Recodified****Historical Note**

Adopted effective August 16, 1993 (Supp. 93-3). Appendix B recodified to 18 A.A.C. 13, Article 3, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**ARTICLE 4. RECODIFIED**

*Title 18, Chapter 8, Article 4, consisting of Section R18-8-402, recodified to Title 18, Chapter 13, Article 9, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).*

**R18-8-401. Expired****Historical Note**

Adopted effective December 21, 1977 (Supp. 77-6). Former Section R9-8-1711 renumbered without change as Section R18-8-401 (Supp. 87-3). Amended effective December 1, 1988 (Supp. 88-4). Section expired pursuant to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 15, 2000 (Supp. 00-1).

**R18-8-402. Recodified****Historical Note**

Adopted effective December 21, 1977 (Supp. 77-6). Former Section R9-8-1717 renumbered without change as Section R18-8-402 (Supp. 87-3). Section recodified to A.A.C. R18-13-902, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**ARTICLE 5. RECODIFIED**

*Title 18, Chapter 8, Article 5, consisting of Sections R18-8-502 through R18-8-512, recodified to Title 18, Chapter 13, Article 3, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).*

**R18-8-501. Expired****Historical Note**

Former Section R9-8-411 renumbered without change as Section R18-8-501 (Supp. 87-3). Amended effective December 1, 1988 (Supp. 88-4). Section expired pursuant to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 15, 2000 (Supp. 00-1).

**R18-8-502. Recodified****Historical Note**

Former Section R9-8-412 renumbered without change as Section R18-8-502 (Supp. 87-3). Section recodified to A.A.C. R18-13-302, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-8-503. Recodified****Historical Note**

Former Section R9-8-413 renumbered without change as Section R18-8-503 (Supp. 87-3). Section recodified to A.A.C. R18-13-303, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-8-504. Recodified****Historical Note**

Former Section R9-8-414 renumbered without change as Section R18-8-504 (Supp. 87-3). Section recodified to A.A.C. R18-13-304, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-8-505. Recodified****Historical Note**

Former Section R9-8-415 renumbered without change as Section R18-8-505 (Supp. 87-3). Section recodified to A.A.C. R18-13-305, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-8-506. Recodified****Historical Note**

Former Section R9-8-416 renumbered without change as Section R18-8-506 (Supp. 87-3). Section recodified to A.A.C. R18-13-306, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-8-507. Recodified****Historical Note**

Former Section R9-8-421 renumbered without change as Section R18-8-507 (Supp. 87-3). Section recodified to A.A.C. R18-13-307, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-8-508. Recodified****Historical Note**

Amended effective August 6, 1976 (Supp. 76-4). Former Section R9-8-426 renumbered without change as Section R18-8-508 (Supp. 87-3). Section recodified to A.A.C. R18-13-308, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-8-509. Recodified****Historical Note**

Former Section R9-8-427 renumbered without change as Section R18-8-509 (Supp. 87-3). Section recodified to A.A.C. R18-13-309, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-8-510. Recodified****Historical Note**

Former Section R9-8-428 renumbered without change as Section R18-8-510 (Supp. 87-3). Section recodified to A.A.C. R18-13-310, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-8-511. Recodified****Historical Note**

Former Section R9-8-431 renumbered without change as Section R18-8-511 (Supp. 87-3). Section recodified to A.A.C. R18-13-311, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-8-512. Recodified****Historical Note**

Amended effective August 6, 1976 (Supp. 76-4). Correction in spelling, paragraph (5), “feeding”; former Section R9-8-432 renumbered without change as Section R18-8-512 (Supp. 87-3). Section recodified to A.A.C. R18-13-312, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-8-513. Expired****Historical Note**

Adopted effective March 14, 1979 (Supp. 79-2). Former Section R9-8-433 renumbered without change as Section R18-8-513 (Supp. 87-3). Section expired pursuant to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 15, 2000 (Supp. 00-1).

**ARTICLE 6. RECODIFIED**

*Existing Sections in Article 6 recodified to 18 A.A.C. 13, Article 11 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).*

**R18-8-601. Expired****Historical Note**

Former Section R9-8-1211 renumbered without change as Section R18-8-601 (Supp. 87-3). Amended effective December 1, 1988 (Supp. 88-4). Section expired pursuant to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 15, 2000 (Supp. 00-1).

**R18-8-602. Recodified****Historical Note**

Former Section R9-8-1212 renumbered without change as Section R18-8-602 (Supp. 87-3). Section R18-8-602 recodified to R18-13-1102 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-603. Recodified****Historical Note**

Former Section R9-8-1213 renumbered without change as Section R18-8-603 (Supp. 87-3). Section R18-8-603 recodified to R18-13-1103 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-604. Recodified****Historical Note**

Former Section R9-8-1214 renumbered without change as Section R18-8-604 (Supp. 87-3). Section R18-8-604 recodified to R18-13-1104 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-605. Expired****Historical Note**

Former Section R9-8-1215 renumbered without change as Section R18-8-605 (Supp. 87-3). Section expired pursuant to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 15, 2000 (Supp. 00-1).

**R18-8-606. Recodified****Historical Note**

Former Section R9-8-1216 renumbered without change as Section R18-8-606 (Supp. 87-3). Section R18-8-606 recodified to R18-13-1106 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-607. Expired****Historical Note**

Former Section R9-8-1221 renumbered without change as Section R18-8-607 (Supp. 87-3). Section expired pursuant to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 15, 2000 (Supp. 00-1).

**R18-8-608. Recodified****Historical Note**

Former Section R9-8-1222 renumbered without change as Section R18-8-608 (Supp. 87-3). Section R18-8-608 recodified to R18-13-1108 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-609. Expired****Historical Note**

Former Section R9-8-1223 renumbered without change as Section R18-8-609 (Supp. 87-3). Section expired pur-

suant to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 15, 2000 (Supp. 00-1).

**R18-8-610. Expired****Historical Note**

Former Section R9-8-1224 renumbered without change as Section R18-8-610 (Supp. 87-3). Section expired pursuant to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 15, 2000 (Supp. 00-1).

**R18-8-611. Expired****Historical Note**

Former Section R9-8-1225 renumbered without change as Section R18-8-611 (Supp. 87-3). Section expired pursuant to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 15, 2000 (Supp. 00-1).

**R18-8-612. Recodified****Historical Note**

Former Section R9-8-1231 renumbered without change as Section R18-8-612 (Supp. 87-3). Section R18-8-612 recodified to R18-13-1112 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-613. Recodified****Historical Note**

Former Section R9-8-1232 renumbered without change as Section R18-8-613 (Supp. 87-3). Section R18-8-613 recodified to R18-13-1113 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-614. Recodified****Historical Note**

Former Section R9-8-1233 renumbered without change as Section R18-8-614 (Supp. 87-3). Section R18-8-614 recodified to R18-13-1114 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-615. Recodified****Historical Note**

Former Section R9-8-1234 renumbered without change as Section R18-8-615 (Supp. 87-3). Section R18-8-615 recodified to R18-13-1115 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-616. Recodified****Historical Note**

Former Section R9-8-1235 renumbered without change as Section R18-8-616 (Supp. 87-3). Section R18-8-616 recodified to R18-13-1116 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-617. Recodified****Historical Note**

Former Section R9-8-1236 renumbered without change as Section R18-8-617 (Supp. 87-3). Section R18-8-617 recodified to R18-13-1117 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-618. Recodified****Historical Note**

Former Section R9-8-1241 renumbered without change as Section R18-8-618 (Supp. 87-3). Section R18-8-618 recodified to R18-13-1118 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-619. Recodified****Historical Note**

Former Section R9-8-1242 renumbered without change as Section R18-8-619 (Supp. 87-3). Section R18-8-619 recodified to R18-13-1119 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-620. Recodified****Historical Note**

Former Section R9-8-1243 renumbered without change as Section R18-8-620 (Supp. 87-3). Section R18-8-620 recodified to R18-13-1120 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-621. Expired****Historical Note**

Former Section R9-8-1244 renumbered without change as Section R18-8-621 (Supp. 87-3). Section expired pursuant to A.R.S. § 41-1056(E), filed in the Office of the Secretary of State February 15, 2000 (Supp. 00-1).

**ARTICLE 7. RECODIFIED**

*18 A.A.C. 8, Article 7, consisting of Sections R18-8-701 through R18-8-710, recodified to Title 18, Chapter 13, Article 12, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).*

**R18-8-701. Recodified****Historical Note**

Adopted effective July 6, 1993 (Supp. 93-3). Section recodified to A.A.C. R18-13-1201, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-8-702. Recodified****Historical Note**

Adopted effective July 6, 1993 (Supp. 93-3). Section recodified to A.A.C. R18-13-1202, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-8-703. Recodified****Historical Note**

Adopted effective July 6, 1993 (Supp. 93-3). Section recodified to A.A.C. R18-13-1203, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-8-704. Recodified****Historical Note**

Adopted effective July 6, 1993 (Supp. 93-3). Section recodified to A.A.C. R18-13-1204, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-8-705. Recodified****Historical Note**

Adopted effective July 6, 1993 (Supp. 93-3). Section recodified to A.A.C. R18-13-1205, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-8-706. Recodified****Historical Note**

Adopted effective July 6, 1993 (Supp. 93-3). Section recodified to A.A.C. R18-13-1206, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-8-707. Recodified****Historical Note**

Adopted effective July 6, 1993 (Supp. 93-3). Section recodified to A.A.C. R18-13-1207, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-8-708. Recodified****Historical Note**

Adopted effective July 6, 1993 (Supp. 93-3). Section recodified to A.A.C. R18-13-1208, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-8-709. Recodified****Historical Note**

Emergency rule adopted effective February 5, 1993, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 93-1). Emergency rule adopted again effective May 6, 1993, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 93-2). Emergency expired (Supp. 93-3). Emergency rule permanently adopted without change effective February 1, 1994 (Supp. 94-1). Section recodified to A.A.C. R18-13-1209, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**R18-8-710. Recodified****Historical Note**

Emergency rule adopted effective February 5, 1993, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 93-1). Emergency rule adopted again effective May 6, 1993, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 93-2). Emergency expired (Supp. 93-3). Emergency rule permanently adopted without change effective February 1, 1994 (Supp. 94-1). Section recodified to A.A.C. R18-13-1210, filed in the Office of the Secretary of State September 29, 2000 (Supp. 00-3).

**ARTICLE 8. RESERVED****ARTICLE 9. RESERVED****ARTICLE 10. RESERVED****ARTICLE 11. RESERVED****ARTICLE 12. RESERVED****ARTICLE 13. RESERVED****ARTICLE 14. RESERVED****ARTICLE 15. RESERVED****ARTICLE 16. RECODIFIED**

*Article 16, consisting of Sections R18-8-1601 through R18-8-1614, recodified to 18 A.A.C. 13, Article 16 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).*

**R18-8-1601. Recodified****Historical Note**

Adopted effective May 30, 1995 (Supp. 95-2). Section recodified to R18-13-1601 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-1602. Recodified****Historical Note**

Adopted effective May 30, 1995 (Supp. 95-2). Section recodified to R18-13-1602 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-1603. Recodified****Historical Note**

Adopted effective May 30, 1995 (Supp. 95-2). Section recodified to R18-13-1603 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-1604. Recodified****Historical Note**

Adopted effective May 30, 1995 (Supp. 95-2). Section recodified to R18-13-1604 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-1605. Recodified****Historical Note**

Adopted effective May 30, 1995 (Supp. 95-2). Section recodified to R18-13-1605 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-1606. Recodified****Historical Note**

Adopted effective May 30, 1995 (Supp. 95-2). Section recodified to R18-13-1606 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-1607. Recodified****Historical Note**

Adopted effective May 30, 1995 (Supp. 95-2). Section recodified to R18-13-1607 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-1608. Recodified****Historical note**

Adopted effective May 30, 1995 (Supp. 95-2). Section recodified to R18-13-1608 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-1609. Recodified****Historical Note**

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**R18-8-1610. Recodified****Historical Note**

Adopted effective May 30, 1995 (Supp. 95-2). Section recodified to R18-13-1610 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-1611. Recodified****Historical Note**

Adopted effective May 30, 1995 (Supp. 95-2). Section recodified to R18-13-1611 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-1612. Recodified****Historical Note**

Adopted effective May 30, 1995 (Supp. 95-2). Section recodified to R18-13-1612 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-1613. Recodified****Historical Note**

Adopted effective May 30, 1995 (Supp. 95-2). Section recodified to R18-13-1613 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).

**R18-8-1614. Recodified****Historical Note**

Adopted effective May 30, 1995 (Supp. 95-2). Section recodified to R18-13-1614 at 8 A.A.R. 5172, effective November 27, 2002 (Supp. 02-4).