	<b>Waste Programs Division</b> <b>Substantive Policy Statement</b>	Page 1 of 4
		Rev. 000
	<b>Metallurgical Operations that are Exempt from Pollution Prevention Plans</b>	Effective:

This Substantive Policy Statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties, you may petition the agency under Arizona Revised Statutes section 41-1033 for a review of the statement.

## 1.0 **Purpose**

This policy statement explains ADEQ's current interpretation of "metallurgical operation" for purposes of determining whether toxic substances used or produced in connection with such an operation would meet the Pollution Prevention (P2) program thresholds and require a facility to prepare and implement a pollution prevention plan.

## 2.0 **Definitions**

"Extractive metallurgy" is the practice of removing valuable metals from ores or refining them to produce a purer metal.

"Ferrous metallurgy" means metallurgical processes using iron and alloys based on iron.

"Non-ferrous metallurgy" means metallurgical processes and alloys based on non iron metals.

"Pollution prevention plan" means the required facility analysis and report to ADEQ on ways to reduce the use of toxic substances and the generation of hazardous waste as described in A.R.S. § 49-961 et seq.

"Refining" is the removal of impurities from materials by a thermal process.

"Smelting" means heating of metal oxides involving thermal reactions and at least one product is in a molten phase.

"Toxic substance" or toxics means a toxic chemical listed pursuant to the pollution prevention action of 1990 (42 United States Code section 13102 (3)) per A.R.S. § 49-961(9).

## 3.0 **Directive Statement**

A.R.S. § 49-963(D) specifies that facilities who use or produce threshold amounts of toxic substances are required to prepare and implement a pollution prevention plan (P2 plan) for the facility addressing the reduction of toxic substance use. A.R.S. § 49-963(A) further states that "toxic substance" does not include material used or produced in



connection with a “mining or metallurgical operation.” ADEQ interprets a “metallurgical operation” as one that:

- 1) consists of extractive metallurgy, or
- 2) smelts or refines ferrous or nonferrous metals from ore, pig iron, or scrap, or
- 3) produces metal alloys

Facilities that use or produce toxic substances in connection with a metallurgical operation that also conduct non metallurgical operations are exempted from P2 Program requirements if the non-metallurgical operation is integral to the metallurgical operation. For example, if a facility is primarily engaged in processes such as smelting and refining of scrap metal but is also engaged in non-metallurgical operations, such as using plating to deposit metal on a surface, a P2 Plan will be required if the non-metallurgical operation is not integral to the metallurgical operation.

#### **4.0 Directive Owner (Person Responsible for Implementing & Maintaining the Directive – Title/Unit/Section/Division)**

The Waste Programs Permits Section Manager is responsible for implementing and maintaining this policy statement.

#### **5.0 Audience**

This policy statement addresses Arizona industry as described above that may have to file a pollution prevention plan and ADEQ employees who implement the Arizona Pollution Prevention Plan requirement.

#### **6.0 Communication & Training**

The Waste Programs Permits Section Manager will schedule a unit meeting within 30 days of the policy effective date and annually thereafter to review policy and insure that Sustainability Programs Unit employees are familiar with its content, including procedures for compliance, audit and review.

#### **7.0 Compliance & Audit Plan**

Prior to each annual review, the Waste Programs Permits Section Manager will arrange for a records review to estimate the number of potential filers that have been determined exempt under the policy. Each annual review shall evaluate whether applicable external stakeholders are aware of the policy and explore methods to increase awareness if needed.

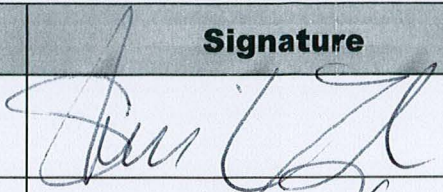
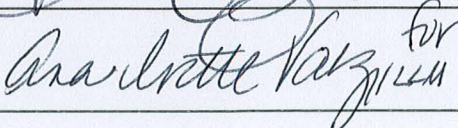
#### **8.0 Review & Revision**

This directive will be reviewed on an annual basis.

#### **9.0 Additional Documentation**

None

#### **10.0 Approved by:**

<b>Title</b>	<b>Name</b>	<b>Signature</b>	<b>Date</b>
Administrative Counsel	Sherri Zendri		4/29/16
Division Director	Laura Malone	 for Ana Lorette Vazquez	5/4/16

### **11.0 Historical Note**

*[Describes the changes or updates to a directive, which serves as a reference for the reader to understand any past changes.]*

<b>Date</b>	<b>Change</b>	<b>Ref. Section</b>