



Fact Sheet

for the Issuance of

Arizona Pollutant Discharge Elimination System (AZPDES)

General Permit for Treatment Works Treating Domestic Sewage as Biosolids for Land Application (Biosolids General Permit)

(AZB202201)

INTRODUCTION

This Fact Sheet relates to the Arizona Department of Environmental Quality (ADEQ) 2022 AZPDES General Permit for Treatment Works Treating Domestic Sewage (TWTDS) as Biosolids for Land Application (AZGP2022-001).. This permit is applicable to all TWTDS preparing biosolids for land application (“preparing biosolids”) that do not otherwise have coverage for the preparation of biosolids under an AZPDES permit. TWTDS include:

- 1) Publicly Owned Treatment Works (POTWs),
- 2) Privately Owned Treatment Works, and
- 3) TWTDS that do not generate sewage sludge but treat sewage sludge obtained from off-site generators.

This permit is also not applicable to TWTDS located in Indian Country (see discussion in Part I below for further details). The new permit will be issued for a five-year term. Pursuant to Arizona Administrative Code (A.A.C.) R18-9-C905, ADEQ may modify or revoke and reissue this permit before it expires if certain conditions presented in 40 CFR 122.62(a) or (b) are met.

This Fact Sheet is written in an informal style that does not necessarily reflect verbatim the actual language used in this permit. It is intended to help the regulated community and other readers understand the intent and basis of the actual permit language. If any discrepancy exists between this summary and the actual permit language, permittees must comply with the permit as written.

BACKGROUND

There are two basic types of AZPDES permits: individual permits and general permits. An individual permit is typically issued for regulated activities from a single facility for a multi-year period, and often requires a lengthy period for review and issuance. As an alternative to individual permits, Arizona’s AZPDES regulations authorize the issuance of general permits (A.A.C. R18-9-C901) for categories of facilities located within common geographic areas, that:

- Involve the same or substantially similar types of operations;
- Require the same permit limitations, operating conditions, or standards;
- Require the same or similar monitoring; and
- Are more appropriately controlled under a general permit than under an individual permit.

This proposed permit meets the requirements for a general permit and does not lessen environmental protections that would be otherwise required under an individual permit. TWTDS have similar treatment processes, similar pollutants, and the same monitoring requirements based on the treatment processes.

A general permit is a cost-effective and efficient means for ADEQ to authorize activities from a large number of similar facilities or sites, while ensuring consistency in permit conditions for similar activities. This approach also benefits an applicant by significantly shortening the time necessary to obtain permit coverage without compromising environmental protections also required under individual AZPDES permits.

NOTE: When the requirements of a general permit do not adequately address the activity at a facility or if ADEQ determines that the activity is a significant contributor of pollutants, an individual permit may be required so that permit conditions can be customized to that activity. Application requirements for individual AZPDES permits are found at A.A.C. R18-9-B901.

FEES

In accordance with A.A.C R18-14-109, operators must pay the initial AZPDES water quality protection services fee for coverage under this permit at the time the NOI is submitted. In addition, the operators must pay the applicable annual fee when billed, unless a notice of termination has been submitted to ADEQ. The annual fee is due on the anniversary of the date of the authorization certificate. This permit is in fee category Level 1B, 2, 3, or 4A, and is based on the amount of biosolids prepared annually by the wastewater treatment plant (WWTP) and whether the TWTDS generates the sewage sludge or receives the sewage sludge from off-site generators, based on A.A.C. R18-14-109, Table 6, AZPDES Water Quality Protection Services Flat Fees. Level 1B, 2, and 3 applicable fees are based on the amount of biosolids prepared annually, and Level 4A will apply to non-generating TWTDS that prepare biosolids from sewage sludge received from off-site generators.

SUMMARY OF PERMIT CONDITIONS

Part I. A. Permit Area and Applicability

This general permit is applicable to TWTDS that prepare biosolids for land application. This permit is applicable within the State of Arizona, except for Indian Country. Indian Country, as defined in U.S. Code Title 18 §1151, includes all land within the limits of any Indian reservation under the jurisdiction of the United States government. ADEQ does not have permitting authority in Indian Country. Operators in these areas must pursue permitting through U.S. EPA Region 9 or other appropriate permitting authority.

B. What activities require coverage?

Under A.R.S. §49-255.01.C and A.A.C. R18-9-A902.C, TWTDS that prepare biosolids are required to obtain AZPDES permit coverage. For eligible facilities, this permit is one of the options for obtaining coverage. An individual AZPDES permit is also an option, but the process of obtaining general permit coverage is generally much simpler and quicker. Regardless of which permit option is chosen, for new TWTDS, permit coverage must be in place at the time the preparation of biosolids begins. For existing TWTDS that do not currently have coverage under an AZPDES permit, a complete and accurate NOI must be submitted within 90 days the effective date of this permit.

Part II. A. Application for Coverage for Biosolids Preparation

Authorization to prepare biosolids under this permit is requested by submitting a complete AZPDES Notice of Intent (AZGP2022-001 NOI) to ADEQ. Only forms provided by ADEQ (or reproductions thereof) are valid. The application forms can be found at www.AZDEQ.gov or the following ADEQ web address:

<http://www.azdeq.gov/why-do-i-need-arizona-pollutant-discharge-elimination-system-azpdes-biosolids-general-permit>

The applicant identified in the "Facility Owner" section of the NOI must be a person having control of those activities related to the subject activities which are necessary to ensure compliance with the conditions of this permit, and who takes responsibility for such compliance. Note that the applicant may be an individual or any type of organization listed in the definition of "person" per A.R.S. §49-201(27). Section 2 in Appendix B of the permit specifies signatory requirements for various types of organizations including sole proprietorships.

It is imperative that the signer of the NOI understands that the applicant/permittee is liable for adherence to the conditions of the permit, which include potential civil and criminal penalties for noncompliance as stated in Part II.A.2 of the permit.

If an NOI is submitted and is not signed or is signed by an unauthorized person, it will be returned to the applicant and not processed until completed and resubmitted.

Part II. B. Authorization to Prepare Biosolids and Timeframes

An applicant is not authorized to prepare biosolids under this permit until a certificate of authorization is issued to the facility. If the NOI is complete and is approved, a certificate of authorization will be issued to the permittee confirming coverage, indicating the effective date, and specifying any specific conditions applicable to the facility operations. However, at any point, ADEQ may request additional information from the applicant or, if significant concerns regarding eligibility exist, deny coverage under this permit and require submittal of an application for an individual AZPDES permit based on a review of the NOI or other relevant information.

Part II. C. Modification of Coverage

This section of the permit provides for minor amendments to NOIs. Minor amendments to the NOI are corrections of typographical errors, changes to contact information for the owner or operator of the facility, designation of a new operator, or other corrections that do not affect the substantive information provided in the NOI. For any other changes, submittal of a new NOI is required.

Part II. D. Termination of Coverage

The permittee must submit a Notice of Termination (NOT) signed in accordance with Part II.D of the permit within 30 days after any of the following: the subject activities have permanently ceased; coverage has been obtained under another AZPDES permit; or responsibility for the activity has been transferred. NOTs provide ADEQ with a mechanism to track the status of activities which have been covered by the permit. If an NOT is not submitted, the requirements of the general permit and certificate of authorization, such as monitoring and reporting, continue to apply.

The NOT must be submitted using the form provided by ADEQ for this purpose, or a reproduction thereof, and submitted to the address, alternative mode, or online portal specified in Part III.D. by ADEQ. Final monitoring results and reports must be submitted with the NOT if required by the permit for the activities conducted up to the date of termination.

Part II. E. Transfer of Permit Coverage

Authorization to prepare biosolids under this general permit is not transferable to any person. When there is a change in the party responsible for compliance with this permit (typically the facility

owner), the new responsible party must obtain coverage by submitting an NOI to ADEQ. The original permittee must also submit an NOT. Note: If the permittee is a corporation or government agency, a change solely in personnel or position within that corporation or agency would not generally require submittal of a new NOI.

Part II. F. Continuation of this Permit.

If this permit is not reissued or replaced (or revoked or terminated) prior to its expiration date, the Department has the authority to administratively extend coverage for existing activities in accordance with A.A.C. R18-9-C903(A)(2) and A.R.S. §49-255.01.M. The permittee's authorization to prepare biosolids under the permit continues until the earliest of: (1) the authorization for coverage under a reissuance or replacement of the permit, following timely and appropriate submittal of a complete NOI; (2) submittal of a Notice of Termination; (3) denial of coverage under the reissued permit, or issuance or denial of an individual AZPDES permit for the permittee's activities; or (4) a formal permit decision by ADEQ not to reissue the permit, at which time the Department will identify a reasonable time period for permittees with continued coverage to seek coverage under an alternative general permit or an individual permit.

Part III. A. Deadlines for Notification

This section addresses the timing of the NOI submittal under this permit for new and existing facilities and those facilities previously authorized under an existing permit. The applicant must submit a complete and accurate NOI at least 90 days in advance of the expiration date of an existing permit.

Part III. D. Where to Submit

ADEQ is developing an electronic reporting portal where the permittee must submit the NOI, NOT, applicable fees and any other associated documents. At such time when the electronic portal becomes available all NOIs, NOTs, fees and any other associated documents must be submitted electronically using the portal myDEQ.azdeq.gov. Prior to the portal availability, the permittee is required to submit annual reports, NOTs, and any associated documents to biosolids@azdeq.gov and NOIs and fees by mail, delivery service, or hand-delivery to the following address:

**Arizona Department of Environmental Quality
Surface Water Section -- Surface Water Protection Unit
1110 West Washington Street
Phoenix, Arizona 85007**

Part IV. Biosolids Treatment, Preparation, and Monitoring Requirement

General requirements are included in this section as well as specific requirements for the preparation of biosolids for land application. This section contains tables specifying limits and monitoring and reporting requirements for the biosolids. In general, the regulatory basis for monitoring requirements is per 40 CFR Parts 503, Subpart C, 122.44(i), and 122.48(b); all of which have been adopted by reference in A.A.C. R18-9-A905, *AZPDES Program Standards*. A minimum of monitoring is also required for hazardous waste determination. Sampling and testing requirements are specified in Parts IV.F and V.A of the permit.

The permit requires monitoring results to be reported in an annual report to ADEQ.

The Annual Report form can be found at the following link:
<http://www.azdeq.gov/search/node/biosolids%20annual%20report%20form>.

The annual report form must be submitted to the email address below, or by an alternative mode of submittal specified by ADEQ's myDEQ online portal: biosolids@azdeq.gov.

Part IV. Pre-Treatment Requirements

Pretreatment conditions (Part IV.F.6.) are required when a POTW has a design capacity of 5 mgd or greater. If a municipality or other entity has multiple treatment plants, the combined capacity of the treatment plants is used to determine the need for pretreatment testing requirements. Pretreatment testing may also be required in other cases for smaller plants with significant industrial dischargers. The certificate of authorization will specify if pretreatment requirements apply.

Part V. Monitoring and Reporting Requirements

Requirements included in this section, among others, are: sample collection and analysis, development of a quality assurance manual, reporting of monitoring results, and 24-hour reporting of noncompliance.

The permittee has the responsibility to determine that all data collected for purposes of this permit meet the requirements specified in this permit and is collected, analyzed, and properly reported to ADEQ.

Monitoring frequencies are based on the amount, in dry metric tons, of biosolids prepared per calendar year. The permittee is responsible for conducting and reporting results to ADEQ on DMRs or as otherwise specified in the permit.

Monitoring requirements are specified in the permit (Part IV.F) in order to ensure that representative samples of the biosolids are consistently obtained.

The permit (Part V.A.2.) requires the permittee to keep a Quality Assurance (QA) manual at the facility, describing sample collection and analysis processes; the required elements of the QA manual are outlined.

The sample collection and analysis requirements in Part V.A. of the permit are included to ensure that the monitoring data submitted under this permit is accurate in accordance with 40 CFR 122.41(j).

Reporting requirements for monitoring results are detailed in Part V.B. of the permit, including completion and submittal of an annual report.

Requirements for retention of monitoring records are detailed in Part V.D. of the permit.

Part VI. Special Conditions

Operation: The permit requires the permittee to ensure that the WWTP has an operator who is certified at the appropriate level for the facility, in accordance with A.A.C. R18-5-104 through - 114. The required certification level for the WWTP operator is based on the class (Wastewater Treatment Plant) and grade of the facility, which is determined by population served, level of treatment, and other factors.

Fees: The permit requires the permittee to pay the initial fee when the NOI is submitted and to pay the annual fee when billed unless a notice of termination has been filed. The annual fee is due on the anniversary of the date the certificate of authorization is issued. Failure to pay the annual fee when due may result in revocation of coverage under this permit.

Permit Reopener: Per the provisions of A.A.C. R18-9-C905, the permit may be modified based on newly available information or as needed to incorporate new regulatory requirements.

Appendix A: Acronyms and Abbreviations

Appendix B: Definitions

Appendix C: Testing for Hazardous Waste Determination

Appendix D. Standard Permit Conditions & Notifications

Federal regulations require all AZPDES permits to contain the standard conditions specified at 40 CFR 122.41. Appendix D of this permit contains those conditions and certain others arising from Arizona law. They include provisions on the following, among others:

- reapplication if/when a new general permit is issued to replace this permit;
- signatory requirements for forms and documents required by this general permit;
- authorization under this permit does not authorize any injury to private property or invasion of personal rights, nor any infringement of any existing laws or regulations; and
- inspection and entry by ADEQ representatives.