



Katie Hobbs  
Governor

# ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY



Karen Peters  
Cabinet Executive Officer

Case ID #: 221584

July 26, 2024

Thatcher Company Of Arizona, Inc.  
Attention: Syed Hassan  
6321 S Rainbow Rd  
Buckeye, AZ 85326

Subject: Thatcher Company Of Arizona, Place ID 143186  
6321 S Rainbow Rd / Buckeye, AZ 85326

## NOTICE OF VIOLATION

This Notice of Violation (NOV) is an informal compliance assurance tool used by the Arizona Department of Environmental Quality (ADEQ) to put a responsible party (such as a facility owner or operator) on notice that the Department alleges a significant violation of an environmental requirement has occurred and this notice describes the facts known to ADEQ at the time of issuance. ADEQ has reason to believe that Thatcher Company Of Arizona, Inc. as the owner/operator of Thatcher Company Of Arizona has violated a requirement of the Arizona Revised Statutes (A.R.S.), a rule within the Arizona Administrative Code (A.A.C.), or an applicable permit, license, or administrative order. ADEQ identified the violations alleged below during an inspection or file review completed on June 28, 2024. See the Evidence of Compliance section below for the actions necessary to demonstrate resolution of the alleged violation(s).

ADEQ reserves the right to take a formal enforcement action, such as issuing an administrative order or filing a civil lawsuit, regardless of whether the Department has issued an NOV. Neither ADEQ's issuance of an NOV nor its failure to do so precludes the Department from pursuing these remedies. However, the timeliness of a complete response to this notice will be considered by ADEQ in determining if and how to pursue such remedies.

If this NOV is a result of an inspection then the NOV also serves as a monthly status update as required by A.R.S. § 41-1009(J).

### I. LEGAL AUTHORITY and NATURE OF ALLEGED SIGNIFICANT VIOLATION(S)

#### 1. **40 CFR § 265.31 / A.A.C. R18-8-265**

**Facilities must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.**

Thatcher Company of Arizona, Inc. (Thatcher Company) operates a chemical product manufacturing facility (Facility) located in Buckeye, Arizona, that services the water treatment and dairy industries. ADEQ's Hazardous Waste inspectors (Inspectors) inspected the Facility on June 28, 2024, based on a spill response. At the time of inspection, Thatcher Company was registered with ADEQ as a non-handler (NOH) of hazardous waste.

During the inspection, Facility staff informed the Inspectors that on 06/21/2024, a fitting on

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one of three mixing tanks within the manufacturing room broke, while transferring finished product to IBC Totes, releasing 10,460 dry lbs. of nitric acid into a trench connected to a sump. The sudden un-planned release caused a yellowish-brown plume of gaseous material to be formed in the air outside of the Facility. Facility staff informed Inspectors that the fitting failed because it was incompatible with the corrosive material in the tank.

2. **A.A.C. R18-8-270(B)(1)**

**Treatment, storage, or disposal of hazardous waste without a permit**

During the inspection, Facility staff advised Inspectors that while cleaning the Manufacturing Room and the equipment therein, wash water accumulates in a trench then travels in an underground metal pipe to the on-site sump, from which it is pumped to the "retention ponds" on-site.

Facility staff stated they normally test the wash water for pH, and, when necessary, neutralize the wash water with soda ash or other neutralization methods, as a form of treatment, prior to sending it off-site for disposal. Based on a Facility log book made available, Inspectors noted on multiple occasions that the wash water in "retention ponds" had a pH below 2.0, thus, rendering it a corrosive hazardous waste under 40 CFR §261.22. Additionally, manifests for Thatcher Company offered for transportation during January 2024, show the wash water exhibited hazardous characteristics for, corrosivity, and toxicity due to its cadmium, chromium, and lead content. Therefore, the "retention ponds" are not permit exempt elementary neutralization units defined at 40 CFR §260.10. Thatcher Company does not have a permit authorizing the treatment of hazardous waste.

3. **A.A.C. R18-8-270(B)(1)**

**Treatment, storage, or disposal of hazardous waste without a permit**

During the inspection on 06/28/2024, Inspectors noted four IBC Totes stored in the Manufacturing Room. Facility staff stated the IBC Totes contained hazardous waste which were recovered from the spill on 06/21/2024. Inspectors were informed the waste liquid had a pH of 1.1. rendering it a characteristic hazardous waste for corrosivity, pursuant to 40 CFR §261.22. Thatcher Company does not have a permit authorizing the storage of hazardous waste.

4. **A.A.C. R18-8-270(B)(1)**

**Treatment, storage, or disposal of hazardous waste without a permit**

The June 21, 2024, "Chemical Release" incident report (Report) Thatcher Company submitted to ADEQ states that after the tank fitting failed the "contents of the reactor and the contents of the partially loaded trailer adversely reacted with the contents of the sump materials and liberated nitric oxide." According to the Report, 10,460 dry pounds (lbs.) of nitric acid was released converting to 7,626 lbs. of nitric oxide which formed a yellowish-

brown gaseous plume in the air outside of the Facility. Pursuant to 40 CFR 261.22, nitric oxide is an acute listed material with waste code P076, when released in the forgoing manner, constitutes disposal of a hazardous waste. Thatcher Company does not have a permit authorizing the disposal of hazardous waste.

## II. LEGAL AUTHORITY and NATURE OF OTHER ALLEGED VIOLATION(S)

### 1. **40 CFR § 262.13**

#### **Failure to accurately determine the facility generator status.**

Thatcher Company is currently registered as a NOH. However, during the 06/28/2024 inspection, inspectors were told by facility representatives that corrosive liquid generated on-site was routinely treated in the facility's "retention ponds". Furthermore, Thatcher Company generated corrosive liquid hazardous waste on 06/21/2024 from the spill which occurred inside the Manufacturing Room.

### 2. **A.R.S. § 49-929**

#### **TSD, transporter, or generator, failure to register or pay annual registration fee.**

Thatcher Company registered as a small quantity generator (SQG) of hazardous waste from December 2023 through March 2024. However, Thatcher Company generated hazardous waste amounts consistent with a large quantity generator (LQG) in January and March 2024. To date, Thatcher Company has not paid the LQG registration fees for 2024.

### 3. **40 CFR § 262.262**

#### **Failure to have and maintain a contingency plan and quick reference guide.**

During January and March 2024, Thatcher Company generated more than 1000 kgs of hazardous waste making it an LQG. Thatcher company does not maintain a contingency plan or its accompanying quick reference guide at the Facility.

### 4. **40 CFR § 262.17(a)(6)**

#### **Storage of hazardous waste without a permit by failing to comply with the 90-day accumulation exemption that requires compliance with the preparedness and prevention requirements in 40 CFR § 262, Subpart M.**

During January and March 2024, Thatcher Company generated more than 1000 kilograms (kgs) of hazardous waste making it an LQG. At the time of the inspection, Thatcher Company did not provide documentation or other evidence to show that it complied with the preparedness and prevention requirements for an LQG for the months of January and March 2024, including: (1) failure to make arrangements with local authorities such as: the local police department; fire department; emergency response contractors; local hospitals, etc.

5. **40 CFR § 262.17(a)(1)(v)**

**Storage of a hazardous waste without a permit by failing to comply with the 90-day exemption that requires weekly inspection for leaks and deterioration in areas where hazardous waste containers are stored.**

Thatcher Company failed to provide documentation of weekly inspections of hazardous waste central accumulation areas (CAAs) during January and March 2024, as required for LQGs.

6. **40 CFR § 262.17(a)(7)**

**Storage of hazardous waste without a permit by failing to comply with the 90-day accumulation exemption that requires compliance with the personnel training requirements for large quantity generators.**

Thatcher Company failed to provide documentation or any other evidence to show that for the months of January and March 2024, facility personnel successfully completed a program of classroom instruction, online training, or on-the-job training necessary to perform hazardous waste management procedures relative to operating an LQG. 40 CFR § 268.7(a)(2) / A.A.C. R18-8-268.

7. **40 CFR § 268.7(a)(2) / A.A.C. R18-8-268**

**Failure to send one-time statement that waste doesn't meet treatment standard.**

For the months of January and March 2024, Thatcher Company failed to provide documentation to show that it sent a one-time written notice to the facility receiving the waste informing it that the required treatment standards were not met.

### III. EVIDENCE OF COMPLIANCE

If you believe this Notice contains violations that did not occur, please submit evidence within 10 calendar days of receipt of this Notice demonstrating that the violation(s) never occurred. Upon receipt of such evidence, if ADEQ agrees that the violations(s) did not occur, ADEQ will either rescind or amend the Notice. ADEQ will provide you with the conclusion of its evaluation.

Otherwise, please provide evidence of compliance by meeting the conditions below. If ADEQ recommends a condition to assist you in achieving compliance, it will clearly note that the condition is recommended to be met and is not required by law.

1. Within 30 calendar days of receipt of this Notice, please submit documentation including photographic evidence demonstrating that the appropriate corrective actions have been taken to address the fitting failure and to ensure the facility is being maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment. Thatcher Company should ensure that the above corrective actions are supervised and approved by a qualified Professional Engineer and documented under the individual's signature and seal. (See Significant

Violation I.1)

2. Within 30 calendar days of receipt of this Notice, please submit documentation demonstrating wash water which is neutralized in "retention ponds" is hazardous only for corrosivity, or that Thatcher Company is permitted to treat hazardous waste. (See Significant Violation I.2).
3. Within 15 calendar days of receipt of this Notice, please submit documentation that the four IBC Totes containing hazardous waste generated from the spill on 06/21/2024 are sent for disposal at a permitted facility, or, Thatcher Company should submit a permit application to ADEQ for storage of hazardous waste. (See Significant Violation I.3).
4. Within 30 calendar days of receipt of this Notice, please submit documentation including photographic evidence demonstrating that the appropriate corrective actions have been taken to address the fitting failure and to ensure the facility is being maintained and operated to minimize the possibility of any unplanned sudden or non-sudden disposal of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment. Thatcher Company should ensure that the above mentioned corrective actions are supervised and approved by a qualified Professional Engineer and documented under the individual's signature and seal. (See Significant Violation I.4)
5. Within 30 calendar days of receipt of this Notice, please submit documentation demonstrating Thatcher Company has made an accurate generator status determination, contingent upon the hazardous waste determination results for wash water and other wastes generated on-site. Thatcher Company must subsequently register its generator status with ADEQ and meet the applicable hazardous waste regulations. (See Other Alleged Violation II.1).
6. Within 30 calendar days of receipt of this Notice, please submit documentation that Thatcher Company has paid the annual LQG registration fee to ADEQ for generating greater than 1000 kgs of hazardous waste during January and March of 2024 (See Other Alleged Violation II.2).
7. Within 30 calendar days of receipt of this Notice, please submit a copy of the Contingency Plan and Quick Reference Guide required for LQGs, for the months of January and March 2004 during which the Facility generated more than 1000 kgs of hazardous waste. At a minimum, the Quick Reference Guide should include required elements outlined in 40 CFR § 262.262(b)(1-8) (See Other Alleged Violation II.3).
8. Within 30 calendar days of receipt of this Notice, please submit documentation demonstrating that Thatcher Company met the preparedness and prevention requirements for LQGs including making the necessary arrangements with emergency response personnel such as the local fire, police, and hospitals, for the months of January and March

2024 when the facility was generated more than 1000 kgs of hazardous waste. (See Other Alleged Violation II. 4).

9. Within 30 calendar days of receipt of this Notice, please submit documentation demonstrating Thatcher Company performed weekly inspections of the hazardous waste central accumulation area at the Facility for the months of January and March 2024, as required for LQGs (See Other Alleged Violation II.5).
10. Within 30 calendar days of receipt of this Notice, please submit documentation to show Facility staff were sufficiently trained to manage hazardous waste procedures for an LQG for the months of January and March 2024, when the Facility generated in excess of 1000kgs of hazardous waste. At a minimum, such documentation must include evidence of successful completion of a program of classroom instruction, online training on-the-job training, and all other applicable requirements provided at 40 CFR § 262.17(a)(7) (See Other Alleged Violation II.6).
11. Within 30 calendar days of receipt of this Notice, please submit a copy of the documentation Thatcher Company sent to the facility receiving its hazardous waste generated in January and March 2024 as required by under 40 CFR § 268.7(a)(8), informing the facility that the land disposal treatment standards for the waste were not met. (See Other Alleged Violation II.7).

#### IV. SUBMITTING COMPLIANCE EVIDENCE

Please send all compliance evidence and any other written correspondence regarding this Notice by email to [laskoskie.zoe@azdeq.gov](mailto:laskoskie.zoe@azdeq.gov) or by mail to the following address:

Arizona Department of Environmental Quality, Attention: Zoe Laskoskie, Haz Waste Insp & Compliance, 1110 W Washington St, Phoenix, AZ 85007 MC: N/A

#### V. STATEMENT OF CONSEQUENCES

Timely and good faith efforts to achieve and provide evidence of compliance within the time frames established in this Notice will be considered in determining whether ADEQ will further pursue unilateral formal enforcement, including an administrative compliance order or civil action requiring compliance within a reasonable time frame, civil penalties, and/or the suspension or revocation of an applicable permit/license. If you cannot meet the time frames established in this Notice, negotiate a compliance schedule in an administrative consent order or judgment. Failure to do so will be cause for ADEQ to pursue unilateral formal enforcement.

#### VI. OFFER TO MEET

ADEQ is willing to meet regarding this Notice and can provide information on how to return to compliance. To obtain additional information about this Notice or to schedule a meeting to discuss this Notice, please contact Zoe Laskoskie at (602) 620-3665.

Signed by:

*Samantha Roberts*

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Samantha Roberts, Solid  
Waste/ Hazardous Waste  
Section Manager

DocuSigned by:

*Zoe Laskoskie*

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Zoe Laskoskie  
Hazardous Waste Insp &  
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