

**DRAFT PERMIT FOR
HAZARDOUS WASTE STORAGE FACILITY
VEOLIA ES TECHNICAL SOLUTIONS, L.L.C.
5736 WEST JEFFERSON STREET
PHOENIX, ARIZONA
EPA I.D. NO. AZ0 000 337 360**

This fact sheet was prepared in accordance with the Arizona Administrative Code (A.A.C.) R18-8-271.E(e) and R18-8-271.G. A fact sheet must accompany every Arizona Hazardous Waste Management Act (AHWMA) draft permit that the Arizona Department of Environmental Quality (ADEQ) has prepared that either raises major issues or involves a new facility. All references to the A.A.C. hereafter refer to the A.A.C. R18-8-260 et. seq., made effective on September 5, 2015, as published at 21 Arizona Administrative Register (A.A.R.) 1246, which incorporates and/or modifies parts of Title 40 Code of Federal Regulations (CFR) Parts 260 et. seq.

The Arizona Department of Environmental Quality (ADEQ) has prepared a draft hazardous waste permit for Veolia ES Technical Solutions, L.L.C. (Veolia). The draft permit allows Veolia to maintain the permitted storage areas within the facility site at 5736 West Jefferson Street for 10 years.

FACILITY DESCRIPTION

Veolia ES Technical Solutions, L.L.C. (Veolia) serves as a destination facility for mercury-containing waste. The draft hazardous waste permit allows Veolia to store and process fluorescent lamps, high intensity discharge (HID) lamps, and miscellaneous mercury containing manufactured articles (MCMA) such as thermostats, thermometers, barometers, inorganic mercury compounds, dental amalgams, clean up articles, PPE, gas regulators, and labpacks. Also allowed is the storage of non-mercury articles, debris, and compounds containing arsenic, barium, cadmium, chromium, lead, selenium, and silver, including broken lead acid batteries. Veolia's Resource Conservation and Recovery Act (RCRA) permit regulates storage of mercury containing hazardous material in three designated storage areas. In accordance with federal requirements, all the recycling and related activities are exempt from hazardous waste permitting regulations.

Veolia conducts its mercury operations in Building 1 of a four-building complex. The one story building includes an office area, a mercury processing area, and two container storage areas. A free-standing storage building located north of the building 1 is also used to store lamps and other MCMA.

Lamps and MCMA are disassembled reclaiming recyclable metal (end caps), glass, liquid mercury, and mercury-containing phosphor powder. The metals, consisting primarily of aluminum, small amounts of copper, ferrous and miscellaneous metals and non-metallic debris, and glass are sent off site.

Veolia tests recovered material to ensure that they do not contain any hazardous contamination. Recovered metal and crushed ARC glass are sampled quarterly for mercury, with the exception of fluorescent lamp glass that is sampled monthly and HID globe glass that is sampled per process run. Recovered phosphor powder is tested for mercury, antimony and cadmium quarterly, using the toxicity characteristic leaching procedure (TCLP).

All received wastes and reclaimed material are stored and managed in approved containers. Veolia does not operate a disposal unit onsite.

The three remaining buildings in the complex (Buildings 2, 3, and 4) are permitted by the U.S. Environmental Protection Agency (EPA) under TSCA to store and process PCB containing material. The surrounding land use in the immediate area of the Veolia is industrial.

The total permitted storage capacity for the facility is 230 pallets, or 920 55-gallon drum equivalents. Each pallet has the capacity to hold up to 650 lamps (based on T-12 4 foot lamps) or 4 - 55-gallon drums. There are no hazardous waste landfills, waste piles, surface impoundments, and land treatment units in the facility.

TYPES AND QUANTITIES OF HAZARDOUS WASTES MANAGED AT THE FACILITY

Types of Hazardous Wastes

The lamps stored and recycled at the facility are primarily categorized as hazardous waste because of their mercury content (D009), but they may also include cadmium (D006), lead (D008) and material with characteristics of reactivity (D003). Mercury Containing Manufactured Articles (MCMA) may also include oxidizers (D001), material with characteristics of corrosivity (D002), reactive waste (D003), arsenic (D004), barium (D005), chromium (D007), selenium (D010), silver (D011), and elemental mercury (U151). Articles and clean-up debris may also include arsenic (D004), barium (D005), cadmium (D006), chromium (D007), lead (D008), selenium (D010), silver (D011), lead (D008), and materials with characteristics of corrosivity (D002).

More specific information on the waste types (and waste codes) and storage areas can be found in the draft hazardous waste permit in Section III, "Container Storage" and Permit Attachment C, "Waste Analysis Plan", and in the federal hazardous waste rules at 40 CFR §261 Subpart C, "Characteristics of Hazardous Wastes" and 40 CFR §261 Subpart D, "Lists of Hazardous Waste."

Quantities of Hazardous Waste Present

The maximum permitted capacity of lamp storage at the facility is 165 pallets, or 660 – 55 gallon drum equivalents, including various types of fluorescent and HID lamps. The storage time limit for the facility is one year. The maximum permitted storage capacity of mercury containing manufactured articles for the facility is 220 – 55-gallon drum equivalents (each drum weighs

approximately 500 pounds), or 55 pallets. The maximum permitted storage capacity of articles and clean-up debris, including lab packs, compounds, and broken lead acid batteries is 10 pallets, or 40 – 55 gallon drum equivalents.

Total processing capacity of the facility is 50,000 lamps per day and up to 300,000 lamps per week, resulting in an annual capacity of about 15 million lamps or 7 million pounds. Total processing capacity of other mercury containing manufactured articles (MCMAs) in the retort area is approximately 12 drums per day or 60 drums per week, with an annual capacity of about 3,000 55-gallon drums. Veolia's hazardous waste permit only regulates the storage areas and does not regulate process capacity of the facility.

PERMIT DESCRIPTION AND STATEMENT OF BASIS

The draft permit prepared by ADEQ consists of four parts and nine attachments. All conditions are based on the Hazardous Waste Storage Facility Permit Application dated June 15th of 2016, with an October 6th, 2016 application revision and resubmittal, and additional revisions dated December 6th of 2016, January 11th of 2017, and April 18, 2017, as well as, the RCRA Facility Assessment.

Permit Part I contains general permit conditions. These conditions are required by Arizona Administrative Code (A.A.C.) R18-8-270.A, and K and L (40 CFR §270.30), 40 CFR §266.100, A.A.C. R18-8-270.A, M, N and O (40 CFR §270.32), hereafter referred to as Omnibus. In addition, ADEQ has included the following permit conditions to this Part:

I.E.14 contains requirements for soil sampling and notification procedures conducted by Veolia in the event of an elemental mercury spill occurring at the facility.

I.E.15 contains the requirement for a one-time written notification from Veolia to ADEQ claiming exemption for the mercury recovery unit under 40 CFR §266.100(d).

I.I contains the requirement that notice of Veolia's intent to dispose of any mercury that has been recovered from mercury-containing hazardous wastes is required to be submitted to ADEQ 30 days in advance. The notice shall include a statement that Veolia recognizes that upon the date in which any reclaimed mercury is to be disposed of as waste, all permitting exemptions under 40 CFR 266.100(d) and 40 CFR 261.6(c)(1) for the mercury recycling processes will cease.

Permit Part II contains general facility conditions. These conditions are required by A.A.C. R18-8-264.A (40 CFR §264), R18-8-270.A (40 CFR §270), 40 CFR §266.100, 40 CFR §266.112, Omnibus, and R18-8-270.A (40 CFR §270.33 (hereafter referred to as Schedule of Compliance, or SOC)). In addition, ADEQ has included the following permit conditions to this Part:

II. T. 2 contains the requirement that within sixty (60) calendar days after the Permit is issued, Veolia must submit an updated Waste Analysis Plan to ADEQ. The Waste Analysis Plan will be updated with sampling and analysis procedures for feedstock entering the mercury recovery unit

(in accordance with 40 CFR 266.100(d)(2)(ii)) and residues derived from operation of the mercury recovery unit (in accordance with 40 CFR 266.112). Additionally, procedures for estimating the levels of recoverable metals in hazardous waste feedstocks processed at the facility will be included in the updated Waste Analysis Plan. Finally, the recordkeeping procedures must be updated to meet the requirements of 40 CFR 266.100(d)(1)(iii).

Permit Part III contains specific conditions related to container storage areas and container management. These conditions are required by A.A.C. R18-8-264.A and Omnibus.

Permit Part IV contains conditions regarding corrective action. Corrective action is authorized by the Arizona Revised Statutes §49-922.B and Section 3004(u) of the federal Resource Conservation and Recovery Act, as amended by the Hazardous and Solid Waste Amendments. The regulatory basis for corrective action can be found in A.A.C. R18-8-264.A and 40 CFR 264.101 and Omnibus.

The permit will be in effect for 10 years. Veolia may apply for renewal in order to continue facility operations.

APPLICANT REQUESTED VARIANCES

None have been requested by the applicant.

PUBLIC PARTICIPATION PROCESS - PROCEDURES FOR REACHING A FINAL DECISION ON THE PERMIT

The administrative record for the draft permit contains all data submitted by the applicant. A copy of portions of the administrative record, including the draft permit, is available for public review at the Phoenix Public Library, Desert Sage Branch, 7602 W. Encanto Boulevard, Phoenix, on Tuesday through Thursday from 11 a.m. – 7 p.m.; and Friday and Saturday from 9 a.m. – 5 p.m. The full administrative record is available for public review Monday-Friday (excluding state holidays) from 8:30 a.m. through 4:30 p.m. at the ADEQ address given below.

Arizona Department of Environmental Quality
Records Management Center
1110 West Washington Street, 1st Floor
Phoenix, Arizona 85007
For appointments call: (602) 771-4380

The draft permit and supporting documents can be viewed under the public comment start date on the Public Notice Calendar at azdeq.gov/notices.

As required by A.A.C. R18-8-271(L) and 40 CFR §124.13, all persons, including applicants, who believe any condition of the draft permit or the tentative decision to prepare and issue this draft proposed permit is inappropriate, must raise all reasonable ascertainable issues and submit all reasonably available arguments and supporting materials by the close of the public comment period. All comments submitted during the public comment period shall discuss the appropriateness of the draft permit.

The 45-day public comment period will open on April 23, 2017. During the public comment period, any interested person may submit written comments on the draft permit. These comments and supporting materials must be submitted to ADEQ by the last day of the public comment period (i.e., **June 6, 2017**) to:

Arizona Department of Environmental Quality
Terry Baer, Manager
Hazardous Waste Unit
1110 West Washington Street
Phoenix, Arizona 85007
email: Baer.Terry@azdeq.gov

All written comments delivered or postmarked by the last day of the public comment period will be considered in ADEQ's final determination regarding the draft permit. After all comments have been considered, a final permit decision will be made by the Director. The applicant, each person who has submitted written or oral comments, and each person who has so requested will receive a notice of this final permit decision. This notice shall include reference to procedures for appealing a decision on a draft permit. The final permit decision shall become effective on the date specified in the final permit notice.

At the time that the final decision is made, the Director shall also issue a response to any significant comments. The response to comments shall consider all items as specified in A.A.C. R18-8-271.O and 40 CFR §124.17. The response to comments shall be made available to the public for review. Any person who desires to be placed on the mailing list for all future permitting activities for this facility or for facilities in a specific geographic area may request so in writing to the above address, pursuant to A.A.C. R18-8-271.I(c)(1)(ix) and 40 CFR §124.10(c)(1)(ix)(a).

In addition to submitting public comment, any person may request the Director to schedule a public hearing. **Written requests for a public hearing must be submitted to ADEQ by not later than close of the comment period, June 6, 2017, and must state the nature of the issues proposed to be raised in the hearing.** The Director will hold such a hearing if:

- 1) He finds, on the basis of requests, a significant degree of public interest in the draft permit, or
- 2) He finds that the hearing might clarify one or more issues involved in the permit decision, or
- 3) A formal written notice of opposition to the draft permit is received within the comment period.

PERSONS TO CONTACT FOR ADDITIONAL INFORMATION

For additional information, please contact Terry Baer, Manager of the Hazardous Waste Unit of ADEQ, at (602) 771-4503 or toll free at (800) 234-5677, extension 771- 4503 or at the ADEQ address above.

Please bring this notice to the attention of anybody who might be interested in this matter.



Figure 1. Site Location Map

(map source: LK3, ADEQ AZMapper, Hazardous Waste TSD Layer 03-31-17)