

Documenting Arrangements with Local Authorities for Hazardous Waste 40 CFR 265 Subparts C and D

NOTE: This document is not a substitute for state rules and federal regulations. Hazardous waste generators must comply with all applicable provisions in the Arizona Hazardous Waste Management Act, [Arizona Administrative Code \(AAC\) Title 18, Chapter 8](#) and [Arizona Revised Statutes \(ARS\) Title 49, Chapter 5](#), and federal hazardous waste regulations, [40 Code of Federal Regulations \(CFR\) Parts 260 to 273](#).

Small quantity generators (SQGs) and large quantity generators (LQGs) of hazardous waste must comply with Resource Conservation and Recovery Act (RCRA) requirements per [40 CFR §265.37](#) to make arrangements with local authorities (e.g., police, fire departments, hospitals and emergency response teams) in the event the facility requires their services. The arrangements involve familiarizing authorities with the hazards, properties, and locations of hazardous waste generated, as well as the facility layout, including areas normally occupied by personnel and potential evacuation routes. This fact sheet provides recommendations on how facilities can document these arrangement efforts.

Making and Documenting Arrangements

Both SQGs and LQGs are required to demonstrate arrangement efforts made with local authorities (per [40 CFR §265 Subpart C](#)). Facilities can obtain written agreements or document verbal agreements in a number of ways.

Facilities may choose to schedule an on-site visit to acquaint emergency responders with the required items (per [40 CFR §265.37\(a\)](#)), including:

- the facility layout
- properties of hazardous waste handled at the facility and associated hazards
- places where facility personnel would normally be working

- entrances to roads inside the facility
- possible evacuation routes

The event should be documented with an agenda or summary of action items and a sign-in sheet, including the name, title, agency and signature of all attendees. Required information may also be conveyed to each local emergency responder in writing, via telephone or by email.

If the possibility exists that more than one police or fire department could respond to the same incident, the facility should contact each department to determine which has primary authority. The primary department should be recorded in the contingency plan, and communications with each department should be documented. One option is to use ADEQ's [communication log template](#).

If Arrangements Are Declined

In any case where local authorities decline to enter into an agreement with the facility or decline a copy of the contingency plan, the owner or operator must document the refusal ([40 CFR §265.37 \(b\)](#)). For example, you may ask for a letter in writing or via email to document the refusal, or use the [communication log template](#) to document a verbal refusal.

Contingency Plan and Emergency Procedures

LQGs must comply with contingency plan requirements ([40 CFR §265 Subpart D](#)), including documenting arrangements made with local authorities in the facility's contingency plan. It is acceptable to discuss the arrangements generally in the contingency plan and reference an attachment where detailed documentation is retained. Detailed records could include memorandums of agreement, response

letters, logs of phone conversations or summaries of on-site visits.

The copy of the contingency plan and all revisions must be maintained at the facility and submitted to all local police departments, fire departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services. When the contingency plan is distributed to local authorities, it is essential to use a delivery method that can be tracked or verified, such as certified mail with a return receipt or hand delivery. When submitting a revised plan, it may be useful to include a cover letter summarizing changes made to the contingency plan.

Further details included in 40 CFR 265 include the implementation, content, distribution and amendment of the contingency plan, as well as requirements for the emergency coordinator and emergency procedures.

Contact & More Information

Email: wastecompliance@azdeq.gov

ADEQ website: azdeq.gov

Communication Log Template:
static.azdeq.gov/wpd/hazwaste/comlog_template.docx

Arizona Emergency Response Commission: azdeq.gov/AZSERC

Code of Federal Regulations (40 CFR 260 – 273):
ecfr.gov/cgi-bin/ECFR?page=browse

For translations or other communications aids, please email the Title VI Coordinator at Bingham.Ian@azdeq.gov.

Para traducciones u otras ayudas de comunicación, envíe un correo electrónico al Coordinador del Título VI al Bingham.Ian@azdeq.gov