

Arizona Department of Environmental Quality

Response to Comments

**Heritage Environmental Services, LLC
DRAFT HAZARDOUS WASTE PERMIT**

Introduction

Arizona Administrative Code (A.A.C.) R18-8-271.O requires Arizona Department of Environmental Quality (ADEQ) to respond to all significant comments made on any draft Permit within the public comment period. The response to comments must:

- Specify which provisions, if any, of the draft Permit have been changed in the final Permit decision, and the reasons for the change, and
- Briefly describe and respond to all significant comments on the draft Permit raised during the public comment period, or during any public hearing.

ADEQ has responded to all such comments in this Response to Comments (RTC) summary. On June 6, 2024, a public notice was advertised in the *Casa Grande Dispatch* announcing the public comment period for the draft hazardous waste permit for Heritage Environmental Services, L.L.C. located in Coolidge, Arizona. The public comment period opened on June 6, 2024, and closed on July 20, 2024. There was no request for a public hearing and no public hearing was held. The only comment received during this period was from the Department of Economic Security, Division of Developmental Disabilities.

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Comment from Department of Economic Security, Division of Developmental Disabilities

The Department of Economic Security (DES), Division of Developmental Disabilities (DDD) has concerns with the renewal of the hazardous waste permit for Heritage Environmental Services and their ability to continue operations at 284 East Storey Road in Coolidge, as it relates to disposal of industrial waste.

The Arizona Training Program at Coolidge (ATPC), previously known as the Arizona Children's Colony, is a state facility that was constructed in the early 1950's and designed to house children who have developmental disabilities. ATPC operates as an independent and self-sufficient facility fully equipped with several wells, a wastewater treatment plant, activity areas that provide educational and stimulating activities, intermediate care facilities, an auditorium, cafeteria, health services facility, and a decommissioned train and firehouse. For several decades, ATPC has been home to over 800 individuals who required constant care. This large 280 acre campus is currently home to 51 residents with developmental disabilities who may have mobility limitations or intellectual and developmental disabilities, in addition to 375 employees.

The hazardous material release that occurred on July 16, 2024, required residents from East Steele Road to East Kleck Road, and between State Route 87 and North Fast Track Road to evacuate. Receiving timely notification from the Pinal County Sheriff's Office and first responders is critical for ATPC staff to begin safety protocols. Heritage Environmental Services Plant is 1.2 miles from the ATPC which is equivalent to a 3-minute drive. As you are aware, the handling of industrial waste may result in unplanned releases or spills which can negatively impact residents and staff at the state operated campus. ATPC is at significant risk when these incidents occur as exposure to hazardous materials poses a health threat for up to 200 people at any given time. Evacuating 51 residents who are older and medically fragile, in addition to 150 staff is difficult and requires extensive planning, coordination and resources from local and state agencies. Sheltering in Place at ATPC is not feasible, especially in the hotter months, because it directly impacts the health and safety of the residents since HVAC equipment may have to be turned off temporarily to ensure hazardous chemicals and materials do not enter residential and administrative settings. During these incidents, it would be in the best interest of the residents to be relocated as soon as possible, in order to maintain the required level of care necessary for them to thrive in a healthy and familiar environment. Should exposure to hazardous waste occur and a Shelter in Place or Evacuation Order become issued, there is minimal time to ensure the appropriate and required equipment and transportation are available to accommodate staff and vulnerable residents. Due to the remoteness of the campus, resources are limited and the local fire department is not equipped to provide support to the campus, while also mitigating hazardous material spills and other localized incidents. Although regular Evacuation and Shelter in Place Drills occur at the campus, relocating 51 residents with developmental disabilities, in addition to their equipment and medical supplies can be taxing. A majority of the residents require food to be modified for their safety, relocating members may impact their ability to receive meals tailored to their diet and texture needs, since specialized kitchen equipment will not be redistributed to temporary shelters. Moreover, immediate Shelter in Place and Evacuation Orders place additional stress on residents and staff who serve as caretakers. According to Federal Military and Emergency Affairs (FEMA),

“evacuations can be confusing and disorientating for everyone. A person who is already feeling vulnerable due to health, sensory, mobility, and cognitive changes may be at risk of experiencing transfer trauma during and after an evacuation. Transfer trauma is more likely to occur with the elderly, people with medical conditions, and people with mental illnesses.” The 51 residents who are fortunate to call ATPC their home have only lived at the 280 acre campus and would struggle adjusting to a new, unfamiliar, and temporary environment. Rushing to relocate residents and transport them to a new location increases the probability for additional injury, illness and exposure to hazardous materials.

Exposure to toxic and poisonous gasses, waste and chemicals can result in severe illness and in some cases, death. Vulnerable populations who suffer from existing medical conditions are at the highest risk for illness and death as a result of exposure to hazardous waste.

Given such a vulnerable population lives 1.2 miles from the Heritage Environmental Services Plant, DES/DDD is against the renewal of the hazardous waste permit. Safety of our residents and staff is paramount and it is important we allow the residents to live in a community free from disruption and exposure to industrial waste.

ADEQ Response to Comment 1

Per Title 40 Code of Regulations Subpart D 264.51 (40 CFR 264.51) “Each owner or operator must have a contingency plan for his facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water. The provisions of the plan must be carried out immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment”. The Heritage Environmental Services, LLC (Heritage) contingency plan contains detailed information regarding emergency planning and response actions to protect workers, nearby residents, and the environment. Additionally, Heritage has made arrangements with local authorities including Coolidge Fire Department, Pinal County Local Emergency Planning Committee, Banner Casa Grande Medical Center, and other response teams. These authorities are aware of Heritage’s contingency plan and are invited yearly to tour the facility. Heritage is also subject to yearly inspections by the Hazardous Waste Inspections and Compliance Unit. To view the current Permit please visit our Heritage webpage at <https://azdeq.gov/wpd/heritage-environmental-services> .

The current zoning of Heritage’s facility and other surrounding areas is determined by Pinal County.

Permit Change in Response to Comment 1

ADEQ has added a Schedule of Compliance item to Permit Part II.T. as follows:

Concrete Management Plan

Within 45 days of completing corrective action items outlined in the corrective action portion of this Permit, the Permittee shall submit a Class 1 Permit Modification request requiring Director approval, to include a concrete management plan that covers any concrete area designated for the staging of inbound/outbound shipments.*

(a)The plan shall include inspection schedules and maintenance protocols.

(b)The need for concrete replacement will be based on the items outlined in the concrete management plan.

(c)The plan shall be referenced in Permit Attachment C and D, and added to Permit Attachment J.

[A.A.C. R18-8-264.A and 270.A, 40 CFR 264.31, 264.175, 270.32(b)(2), and 270.33]

The Permittee will be subject to corrective action measures in response to the incident that occurred July 16th, 2024. Once acceptable measures have been taken, the Permittee will need to follow up with the Concrete Management Plan as outlined above. The current Permit holds the Permittee accountable for secondary containment in all permitted storage areas. This concrete management plan will add additional protection to areas where waste is staged for inbound/outbound shipments.

Final Changes Made to Draft Permit

Location in Permit	Description
Permit Header	Permit header changed from “Draft Permit” to “Final Permit”
II.T.	The Permit Condition was added: <u>Concrete Management Plan</u> Within 45 days of completing corrective action items outlined in the corrective action portion of this Permit, the Permittee shall submit a Class 1* Permit Modification request requiring Director approval, to include a concrete management plan that covers any concrete area designated for the staging of inbound/outbound shipments. (a)The plan shall include inspection schedules and maintenance protocols. (b)The need for concrete replacement will be based on the items outlined in the concrete management plan. (c)The plan shall be referenced in Permit Attachment C and D, and added to Permit Attachment J. [A.A.C. R18-8-264.A and 270.A, 40 CFR 264.31, 264.175, 270.32(b)(2), and 270.33]