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ATTORNEY GENERAL STATEMENT  
FOR FINAL AUTHORIZATION FOR CHANGES  
TO ARIZONA'S HAZARDOUS WASTE PROGRAM

I hereby certify, pursuant to the authority and with the approval of the Attorney General of the State of Arizona, and in accordance with Section 3006(b) of the Resource Conservation and Recovery Act (42 U.S.C. § 6926(b)), as amended by the Hazardous and Solid Waste Amendments of 1984 (42 USC 6901 et seq.), and 40 C.F.R. Part 271, that in my opinion the laws of the State of Arizona provide adequate authority to carry out the hazardous waste program of the State of Arizona, including those amendments to the program described in Attachment 1, and to meet the requirements of 40 C.F.R. Part 271, Subpart A. The specific authorities for the State's program are contained in statutes or rules lawfully adopted at the time this Statement is signed and which are in effect now.

The relevant statutory authorities for the State are found in Arizona Revised Statutes Title 49, Chapter 5, Article 2 (A.R.S. §§ 49-921 through 49-932). In my opinion, statutes relied on in previously approved authorization applications have not been amended, modified or revised by statute or judicial decision in a way that diminishes or interferes with the authority to carry out the previously authorized hazardous waste program to meet the requirements of 40 C.F.R. Part 271, Subpart A.

The provisions for which Arizona is seeking authorization are documented in Attachment 1. Differences between the Arizona provisions and the Federal provisions are noted in the Federal Requirements column and in the listed Arizona Administrative Register rulemakings cited in Section B of Attachment 1. The official State rules may be found in The Arizona Administrative Code, Title 18, Chapter 8, Article 2 (A.A.C. R18-8-260 through 280), effective as of December 31, 2020.

A.R.S. § 49-922.A provides that the Director of the Arizona Department of Environmental Quality shall adopt rules to establish a hazardous waste management program equivalent to and consistent with the federal hazardous waste regulations promulgated pursuant to subtitle C of the federal act, and that federal hazardous waste regulations may be adopted by reference.

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## ATTACHMENT 1

### A. FEDERAL REQUIREMENTS FOR WHICH ARIZONA IS SEEKING AUTHORIZATION

Checklist Number	Federal Requirement	Reference	Promulgation Date
217*	NESHAP: Final Standards for Hazardous Waste Combustors (Phase I Final Replacement Standards and Phase II) Amendments	73 FR 18970	04/08/2008
218*	F019 Exemption for Wastewater Treatment Sludges from Auto Manufacturing Zinc Phosphating Processes	73 FR 31756	06/04/2008
219*	Revisions to the Definition of Solid Waste	73 FR 64668	10/30/2008
220*	Academic Laboratories Generator Standards	73 FR 72912	12/01/2008
222	OECD Requirements; Export Shipments of Spent Lead-Acid Batteries	75 FR 1236	01/08/2010
223	Hazardous Waste Technical Corrections and Clarifications	75 FR 12989 75 FR 31716	03/18/2010 06/04/2010
225*	Removal of Saccharin and Its Salts from the Lists of Hazardous Constituents	75 FR 78918	12/17/2010
226*	Academic Laboratories Generator Standards Technical Corrections	75 FR 79304	12/20/2010
227*	Revision of the Land Disposal Treatment Standards for Carbamate Wastes	76 FR 34147	06/13/2011
228*	Hazardous Waste Technical Corrections and Clarifications	77 FR 22229	04/13/2012
229*	Conditional Exclusions for Solvent Contaminated Wipes	78 FR 46448	07/31/2013
230*	Conditional Exclusion for Carbon Dioxide (CO <sub>2</sub> ) Streams in Geologic Sequestration Activities	79 FR 350	01/03/2014
231	Hazardous Waste Electronic Manifest System	79 FR 7518	02/07/2014
232	Revisions to the Export Provisions of the Cathode Ray Tube (CRT) Rule	79 FR 36220	06/26/2014
233	Revisions to the Definition of Solid Waste, Response to Vacatur of Certain Provisions of the Definition of Solid Waste Rule	80 FR 1694 83 FR 24664	01/13/2015 05/30/2018
234	Vacatur of the Comparable Fuels Rule and the Gasification Rule	80 FR 18777	04/08/2015
235*	Disposal of Coal Combustion Residuals from Electric Utilities	80 FR 21302	04/17/2015
236	Imports and Exports of Hazardous Waste	81 FR 85696 82 FR 41015	11/28/2016 08/29/2017
237	Hazardous Waste Generator Rule Improvements**	81 FR 85732	11/28/2016
238	Confidentiality Determinations for Hazardous Waste Export and Import Documents	83 FR 60894	12/26/2017
239	Hazardous Waste Electronic Manifest System User Fee	83 FR 420	01/03/2018
240*	Safe Management of Recalled Airbags	83 FR 61552	11/30/2018
241	Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine	84 FR 5816	02/22/2019
242*	Universal Waste Regulations: Addition of Aerosol Cans	84 FR 67202	12/09/2019

\*denotes optional

\*\*amendments to Parts 267 and 279 were not incorporated

**B. ARIZONA RULE AUTHORITY FOR PROGRAM ELEMENTS IN PART A**

<b>Checklist Number</b>	<b>Federal Requirement</b>	<b>A.A.R. volume and page</b>	<b>Effective Date of Arizona Rule</b>	<b>Implementing Rule Section(s)</b>
217*	NESHAP: Final Standards for Hazardous Waste Combustors (Phase I Final Replacement Standards and Phase II) Amendments	21 A.A.R. 1246	9/05/2015	R18-8-264(A) R18-8-266(A)
218*	F019 Exemption for Wastewater Treatment Sludges from Auto Manufacturing Zinc Phosphating Processes	21 A.A.R. 1246	09/05/2015	R18-8-261(A)
219*	Revisions to the Definition of Solid Waste	26 A.A.R. 2949	11/03/2020	R18-8-260(C) R18-8-261(A) R18-8-270(A)
220*	Academic Laboratories Generator Standards	21 A.A.R. 1246	09/05/2015	R18-8-261(A) R18-8-262(A)
222	OECD Requirements; Export Shipments of Spent Lead-Acid Batteries	21 A.A.R. 1246	09/05/2015	R18-8-262(A) R18-8-263(A) R18-8-264(A) R18-8-265(A) R18-8-266(A)
223	Hazardous Waste Technical Corrections and Clarifications	21 A.A.R. 1246	09/05/2015	R18-8-260(C) R18-8-261(A) R18-8-262(A) R18-8-263(A) R18-8-264(A) R18-8-265(A) R18-8-266(A) R18-8-268 R18-8-270(A)
225*	Removal of Saccharin and Its Salts from the Lists of Hazardous Constituents	21 A.A.R. 1246	09/05/2015	R18-8-261(A) R18-8-268
226*	Academic Laboratories Generator Standards Technical Corrections	21 A.A.R. 1246	09/05/2015	R18-8-261(A) R18-8-262(A)
227*	Revision of the Land Disposal Treatment Standards for Carbamate Wastes	21 A.A.R. 1246	09/05/2015	R18-8-268
228*	Hazardous Waste Technical Corrections and Clarifications	21 A.A.R. 1246	09/05/2015	R18-8-261(A) R18-8-266(A)
229*	Conditional Exclusions for Solvent Contaminated Wipes	21 A.A.R. 1246	09/05/2015	R18-8-260(C) R18-8-261(A)
230*	Conditional Exclusion for Carbon Dioxide (CO <sub>2</sub> ) Streams in Geologic Sequestration Activities	25 A.A.R. 435	02/05/2019	R18-8-260(C) R18-8-261(A)
231	Hazardous Waste Electronic Manifest System	25 A.A.R. 435	02/05/2019	R18-8-260(C) R18-8-262(A) R18-8-263(A) R18-8-264(A) R18-8-265(A)
232	Revisions to the Export Provisions of the Cathode Ray Tube (CRT) Rule	25 A.A.R. 435	02/05/2019	R18-8-260(C) R18-8-261(A)
233	Revisions to the Definition of Solid Waste, Response to Vacatur of Certain Provisions of the Definition of Solid Waste Rule	26 A.A.R. 2949	11/03/2020	R18-8-260(C) R18-8-261(A) R18-8-270(A)
234	Vacatur of the Comparable Fuels Rule and	25 A.A.R. 435	02/05/2019	R18-8-260(C)

	the Gasification Rule			R18-8-261(A)
235*	Disposal of Coal Combustion Residuals from Electric Utilities	25 A.A.R. 435	02/05/2019	R18-8-261(A)
236	Imports and Exports of Hazardous Waste	25 A.A.R. 435	02/05/2019	R18-8-260(C) R18-8-261(A) R18-8-262(A) R18-8-263(A) R18-8-264(A) R18-8-265(A) R18-8-266(A) R18-8-273
237	Hazardous Waste Generator Rule Improvements**	25 A.A.R. 435	02/05/2019	R18-8-260(C) R18-8-265(A) R18-8-268 R18-8-270(A) R18-8-273
238	Confidentiality Determinations for Hazardous Waste Export and Import Documents	25 A.A.R. 435	02/05/2019	R18-8-260(C) R18-8-261(A) R18-8-262(A)
239	Hazardous Waste Electronic Manifest System User Fee	25 A.A.R. 435	02/05/2019	R18-8-260(C) R18-8-262(A) R18-8-263(A) R18-8-264(A) R18-8-265(A)
240*	Safe Management of Recalled Airbags	26 A.A.R. 2949	11/03/2020	R18-8-260(C) R18-8-261(A) R18-8-262(A)
241	Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine	26 A.A.R. 2949	11/03/2020	R18-8-260(C) R18-8-261(A) R18-8-262(A) R18-8-263(A) R18-8-264(A) R18-8-265(A) R18-8-266(A) R18-8-268 R18-8-270(A) R18-8-273
242*	Universal Waste Regulations: Addition of Aerosol Cans	26 A.A.R. 2949	11/03/2020	R18-8-260(C) R18-8-261(A) R18-8-264(A) R18-8-265(A) R18-8-268 R18-8-270(A) R18-8-273

\*denotes optional

\*\*amendments to Parts 267 and 279 were not incorporated

**Arizona Department of Environmental Quality  
Hazardous Waste Program**

**Program Description**

**June 2021**

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## 1. Program Scope, Structure, Coverage, and Processes – 40 CFR 271.6(a)

### A. Scope

The Arizona Department of Environmental Quality (ADEQ) is the agency responsible for administering all solid and hazardous waste regulations for the State of Arizona. ADEQ is submitting this application to obtain authorization for modifications to Arizona’s hazardous waste program. This document is a Program Description (PD) which provides a description of the hazardous waste regulatory program administered by ADEQ. This PD has been prepared in accordance with the requirements of 40 CFR 271.6. For ease of determining applicability, each section contained within this PD refers to the specific subsection of 40 CFR 271.6.

ADEQ is seeking authorization to administer portions of RCRA Clusters XVIII through XXVIII. The specific checklists applicable to this revision are listed in Appendix A.

### B. Structure and Coverage

This PD completely updates the PD submitted in July 2017 as part of a previous Arizona application for authorization of hazardous waste program revisions. That application for the Cluster VIII (Checklist 167D only), Cluster IX (Checklists 169 and 173 - 180) and Clusters X through XII (Checklists 181 – 215) was approved on December 21, 2017 (82 FR 60550).

Arizona Revised Statutes (A.R.S.) Title 49, Chapter 5, Articles 1 through 5 authorizes ADEQ to administer and adopt rules for the hazardous waste program. Arizona’s hazardous waste program rules are found at Arizona Administrative Code (A.A.C) Title 18, Chapter 8. Table 1 describes the correspondence between Arizona and federal hazardous waste program regulations.

**Table 1. Correspondence between State and Federal Regulations**

<b>EPA REGULATION 40 Code of Federal Regulations (CFR)</b>	<b>ARIZONA REGULATION</b>	<b>DESCRIPTION</b>
PART 260	A.A.C. R18-8-260	Hazardous Waste Management System: General
PART 261	A.A.C. R18-8-261	Identification and Listing of Hazardous Waste
PART 262	A.A.C. R18-8-262	Standards Applicable to Generators of Hazardous Waste
PART 263	A.A.C. R18-8-263	Standards Applicable to Transporters of Hazardous Waste
PART 264	A.A.C. R18-8-264	Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
PART 265	A.A.C. R18-8-265	Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
PART 266	A.A.C. R18-8-266	Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities
PART 268	A.A.C. R18-8-268	Land Disposal Restrictions
PARTS 270/124	A.A.C. R18-8-270/271	The Hazardous Waste Permit Program

<b>EPA REGULATION</b> 40 Code of Federal Regulations (CFR)	<b>ARIZONA REGULATION</b>	<b>DESCRIPTION</b>
PART 273	A.A.C. R18-8-273	Standards for Universal Waste Management

### C. Differences between Arizona and Federal Regulations

In accordance with A.R.S. §49-922, ADEQ is permitted to have procedural standards that are more stringent than EPA’s rules. The following procedural standards are required by ADEQ:

- ADEQ requires certain submissions and registrations completed through ADEQ’s online portal, myDEQ (<http://www.azdeq.gov/mydeq>). These references to the myDEQ portal are at A.A.C. R18-8-260(M), R18-8-262(I), R18-8-263(B), R18-8-264(D), and R18-8-265(D).
- ADEQ charges fees for the review of treatment, storage, and disposal (TSD) facility permit applications and for the preparation of permits and permit modifications. A.A.C. R19-8-270(G) amends 40 CFR 270.10 by adding application fees and ADEQ’s billing process to the permit application requirements.
- ADEQ requires that permit applicants and other persons associated with a TSD facility supply character/background information sufficient to demonstrate their reliability, expertise, integrity, and competence to operate a TSD facility. This is authorized in Arizona statute at A.R.S. §49-922(C); the requirement for submittal of information amends 40 CFR 270.14 (A.A.C. R18-8-270(J)).

ADEQ updated its hazardous waste program rules on March 1, 2019 and removed the following procedural requirements that were more stringent than EPA’s rules.

- Annual Reports: ADEQ eliminated its longstanding requirement that Large Quantity Generators (LQGs) and TSD facilities submit annual reports, in addition to the EPA requirement for Biennial Reports (BR). Recyclers are also no longer required to submit annual reports to ADEQ.
- Hazardous Waste Manifest: ADEQ no longer requires hazardous waste generators, transporters, and TSD facilities to provide a copy of all hazardous waste manifests to ADEQ monthly. This rule change was necessary for the implementation of EPA’s electronic Manifest (e-Manifest) system.



## 2. Staffing and Funding Resources – 40 CFR 271.6(b)

### A. Staffing

ADEQ's Waste Programs Division (WPD) is organized into three sections representing a value stream-based structure. All functions of the hazardous waste program are contained in the Solid and Hazardous Waste Section. There are two units performing the functions of the Hazardous Waste Program: the Hazardous Waste Inspections and Compliance Unit (HWICU) and the Hazardous Waste Permits and Support Unit (HWPSU) (see organizational charts in Appendix B).

As of April 1, 2021, the HWICU has 8 full-time equivalents (FTEs) as follows:

- Unit Manager – responsible for all activities within the unit.
- Inspections/Compliance/Enforcement – 7 compliance officers/inspectors responsible for inspecting facilities, carrying out formal and informal enforcement actions, and providing compliance assistance to the regulated community.

As of April 1, 2021, the HWPSU has 8 FTEs as follows:

- Unit Manager – responsible for all activities within the unit.
- Permitting and Corrective Action – 2.5 engineers prepare permits and permit modifications, review related reports, and manage corrective action sites.
- Pollution Prevention (P2) and Recycling Specialists – 1.5 engineers and 1 environmental scientist who manage ADEQ's P2 and recycling programs and provide technical assistance on P2 and recycling and data collection.
- Data Management – 2 data management specialists responsible for processing handler data in the myDEQ system, supporting BR requirements, and providing compliance assistance related to these matters.

Additional support for the hazardous waste program is provided by the following positions at approximately 50% of their time:

- Solid and Hazardous Waste section manager providing general oversight to both the solid waste and hazardous waste programs.
- One senior environmental engineer supporting corrective action, permitting, grant management, and compliance assistance.
- One senior hydrogeologist supporting corrective action and permitting.
- One administrative assistant.

Support for the hazardous waste program activities along the U.S.- Mexico border is also provided by 1.5 FTEs in ADEQ's Southern Regional Office in Tucson (<http://www.azdeq.gov/node/380>). The WPD Director's Office provides support for rulemaking and program authorization activities. ADEQ's Director's Office provides support related to business and finance operations, information technology, and human resources

Through a delegation agreement (Appendix C) with the Pima County Department of Environmental Quality (PDEQ), inspection and compliance tasks in Pima County are being performed by PDEQ. Compliance cases requiring legal assistance and representation are referred to the Arizona Attorney General's Office.

### B. Staff Training

Staff member training consists of both formal classes and workshops as well as on-the-job training. Hazardous waste program staff attend an annual 8-hour hazardous waste refresher and a Department

of Transportation hazardous materials training provided by an ADEQ contractor; some staff are also required to complete the 40-hour Hazardous Waste Operations and Emergency Response (HAZWOPER) course with annual refreshers. ADEQ routinely organizes webinars for all staff members on a variety of technical topics presented by experts from around the country.

In addition, staff members are encouraged to participate in webinars or access recorded training sessions provided by EPA, the Association of State and Territorial Solid Waste Management Officials (ASTSWMO), the Interstate Technology and Regulatory Council (ITRC), the Western States Project, and other organizations. Staff members can travel to training courses, dependent upon funding and travel restrictions.

### C. Division of Responsibilities between Arizona and EPA

The responsibilities of ADEQ and EPA in the implementation and oversight of the hazardous waste program are discussed in detail in the Memorandum of Agreement (MOA) (Appendix D). This MOA was updated in July 2017 as part of the 2017 program reauthorization from a version last signed in 1999. As an authorized state, Arizona implements its hazardous waste program in lieu of EPA. However, EPA implements the hazardous waste program on tribal lands statewide.

### D. Funding

Arizona's hazardous waste program is funded by RCRA State and Tribal Assistance Grant (STAG) funds and the Arizona Hazardous Waste Management Fund (HWMF). STAG monies are received on a schedule associated with Arizona's fiscal year (July 1 through June 30). STAG funds require a 25% match from the state. Arizona meets or exceeds the match requirement. ADEQ's STAG funds for the hazardous waste program are part of a Performance Partnership Grant (PPG), including funding for ADEQ's air quality and water quality programs.

Table 2 shows the sources and amounts of funds available for the hazardous waste program. Funding for U.S.-Mexico border hazardous waste program activities is included.

**Table 2. Sources and Amounts of Funds per State Fiscal Year (SFY)**

<b>FUNDING SOURCE</b>	<b>SFY21</b>	<b>SFY22<sup>1</sup></b>
PPG		
Personnel	\$952,505	\$1,003,626
Other (including travel, supplies, equipment, and contractual expenses)	\$40,462	\$41,210
U.S.-Mexico Border Activities	\$206,889	\$155,020
<b>Total PPG</b>	<b>\$1,199,856</b>	<b>\$1,199,856</b>
Hazardous Waste Management Fund		
Personnel	\$981,703	\$1,131,400
Other (including travel, supplies, equipment, and contractual expenses)	\$168,512	\$196,400
Total HWMF	\$1,150,215	\$1,327,800
<b>Total Funding</b>	<b>\$2,120,473</b>	<b>\$2,527,656</b>

<sup>1</sup> The SFY22 spending plan is being finalized as of June 2021.

### 3. State Procedures – 40 CFR 271.6(c)

The primary duties of ADEQ's hazardous waste program include:

- Conducting compliance and complaint inspections to ensure that hazardous waste is managed pursuant to the regulations.
- Conducting Arizona's Pollution Prevention Planning Program (P2 Program).
- Conducting the Border Program.
- Permitting facilities that treat, store, or dispose of hazardous waste.
- Providing oversight of corrective actions cleaning up hazardous waste that has been released into the environment.
- Issuing hazardous waste generator identification numbers and tracking BRs.

#### A. Compliance

ADEQ's goal is to attain high levels of compliance at the facilities regulated by the hazardous waste program. ADEQ and EPA aggressively monitor compliance and have established an effective enforcement presence. The MOA between EPA Region IX and ADEQ (Appendix D) outlines the responsibilities of the two agencies as they relate to compliance tracking and enforcement. ADEQ's Compliance and Enforcement Handbook provides broad guidance and detailed procedures that seek to promote voluntary compliance with the law and, if necessary, implement enforcement actions to deter and penalize violators. The Compliance and Enforcement Handbook provides the policies, procedures, and guidelines to be followed by all staff members when initiating and escalating enforcement. The handbook is continuously reviewed and changes are made as needed. The handbook also contains the boilerplate documents to be used as part of the enforcement process. To ensure use of the most up-to-date boilerplate documents, staff members download documents from ADEQ's intranet before each enforcement activity.

#### B. Pollution Prevention (P2) Program

ADEQ's P2 Program assists businesses in reducing toxic substances at their source, minimizing the generation of hazardous waste, and preventing the release of pollutants into the environment. ADEQ's P2 Planning Program is paperless and makes full use of the myDEQ portal. A myDEQ user can access the portal 24/7 to:

- Submit and amend P2 Plans and Annual Progress Reports, including the Toxic Data Report.
- Access current P2 Plan information.
- View plan revisions from ADEQ.
- Receive alerts for reporting due dates.

The purpose of the P2 Program is to:

- Reduce the use of toxic substances and hazardous waste generation.
- Emphasize the preference for source reduction instead of recycling, waste treatment, or disposal as a means to reduce waste.
- Encourage reduction through substitution with a less toxic chemical, product reformulation, or other methods.
- Implement process modification to reduce toxic substance use and waste generation.
- Improve housekeeping.
- Promote recycling/reclamation.
- Promote conservation and waste minimization.

A P2 Plan is required if a business meets any one of the following criteria:

- During the preceding calendar year, the owner or operator was required to file an annual toxic chemical release (EPA Toxics Release Inventory) form (Form A or Form R) for the facility. [Ref: A.R.S. §49-962(A)(1)]
- During the preceding calendar year, the facility generated an average of 1 kilogram per month of acutely hazardous waste or an average of 1,000 kilograms per month of hazardous waste, exclusive of an episodic, accidental, or remediation related release or occurrence. [Ref: A.R.S. §49-963(A)(2)]
- A facility that uses in excess of 10,000 pounds in a calendar year of a toxic substance, as defined in A.R.S. §49-961 [Ref: A.R.S. §49-963(D)]

A P2 Plan is an electronic management document that provides information on facility operations that directly or indirectly produce waste or use toxic substances. The plan involves:

- Recording the facility's toxic substance use, emissions, and waste from current work practices.
- Outlining potential P2 opportunities and providing specific performance goals, including a schedule for implementing P2 activities.
- Documenting that the facility has performed a rigorous P2 assessment.
- Recognizing past P2 activities that have already been completed at the facility, when applicable.

## C. Border Programs

ADEQ's Office of Regional and Border Assistance (ORBA) focuses on cross-border issues that impact Arizona's environment and citizens. ORBA works in a binational and bicultural setting to promote efforts aimed at improving air quality, waste management, and water quality conditions within Arizona's border communities.

ORBA regularly meets with the Arizona-Mexico Commission (AMC) to develop action plans for projects or activities done in collaboration with the State of Sonora. Progress on action plans are reported to the AMC. ORBA also works with EPA through its U.S./Mexico Border 2025 Program, which includes a regional workgroup addressing environmental issues on both sides of the border.

ADEQ supports the three activities listed below as part of its PPG/RCRA grant work plan:

- Participation in Border 2025 Program activities.
- Surveillance and enforcement in the border region.
- Support for materials management and waste management.

## D. Permitting and Corrective Action

ADEQ's hazardous waste permitting program is conducted in accordance with EPA requirements. ADEQ uses the EPA Form 8700-23 for the Part A application and a free-form Part B that includes a detailed description of the applicant's waste, waste management units and procedures, waste analysis plan, emergency procedures, and plans for closure and financial assurance. Permits are required to be renewed every 10 years and may be modified during the 10-year term if requested by the applicant and approved by ADEQ. In certain circumstances, a permit may be modified by the ADEQ Director.

ADEQ's permitting process is conducted in close collaboration with the applicant to develop a permit that is not only protective of human health and the environment and in full compliance with the regulations, but also clear and operationally manageable. ADEQ starts the process by requesting that the party applying for a new permit, permit renewal, or significant permit modification attend a pre-

application meeting with ADEQ. This allows ADEQ to more fully understand the proposed application and allows the applicant to gain an understanding of the permitting process and timing. This pre-application meeting also allows ADEQ and the applicant to discuss plans for any pre-application public meeting that may be needed.

When the application is submitted, ADEQ performs an initial administrative completeness review during an administrative review meeting with the applicant. If no meeting is scheduled, ADEQ performs the administrative review without the applicant present within a few days after receiving the application. After this administrative review, ADEQ will request that any administrative deficiencies, such as missing sections or supporting information, be addressed by the applicant within 30 days.

When the application is administratively complete, ADEQ conducts a substantive review of the application using regulations and EPA guidance to develop technical comments. These comments are reviewed with the applicant in a series of meetings. If ADEQ's technical comments cannot be resolved in these meetings, ADEQ will prepare a Notice of Deficiency to formally notify the applicant of the technical corrections to be made. After the substantive review, ADEQ prepares a draft permit and shares it with both the applicant and EPA for review. After incorporating any comments, ADEQ opens a 45-day public comment period to allow for public review and comment on the draft permit. At the end of this period, ADEQ prepares a written response to public comments and issues this response with the final permit decision. ADEQ's goal is to complete a final decision on any new permit or permit renewal within 180 calendar days from the date the application is received.

ADEQ follows EPA's Corrective Action Process Flowchart when overseeing clean-up activities at regulated facilities. Facilities enter the corrective action process as a part of their permit requirements or because of an enforcement action. ADEQ maintains a strong focus on reducing the time to implement a remedy at a corrective action site.

## E. Handler Identification and Tracking

Hazardous waste handler identification and tracking is currently done at the federal level by the RCRAInfo database and at the state level by Arizona's myDEQ application. Arizona transitioned from using the Arizona RCRA Information Database (ARID) to myDEQ in September 2018. The myDEQ application is used for new handler applications, modifications to existing handler records, site deactivation, annual self-registration, and generation reporting. Data is uploaded to RCRAInfo from the myDEQ system during a nightly schedule in OpenNode2.

### 1. Submitting Data to RCRAInfo

Between February 2007 and December 2008, all data entered into the Handler module of ARID was migrated directly to RCRAInfo nightly via the node. The ARID Compliance and Enforcement (CM&E), Corrective Action, Financial Assurance, and Permitting modules were put into production and began communicating with RCRAInfo nightly over the node during the fall of 2009 and early 2010.

Each of these modules are still located within ADEQ's AZURITE database and are uploaded nightly by individual OpenNode2 schedules. Unlike the myDEQ system, the data in these modules must be manually entered and loaded into the appropriate staging tables to be uploaded to the RCRAInfo system. ADEQ is in the process of updating the individual modules and node schedules to incorporate new fields, increase efficiency, improve data validation, and

incorporate process automation to reduce staff touch time. It is estimated that many of the system improvements will be completed by the end of 2022. PDEQ staff input their data directly into RCRAInfo.

## **2. Improving Data Quality**

Both ADEQ and EPA need to ensure the best possible data quality for EPA's public Enforcement and Compliance History Online (ECHO) website, an online database of compliance and enforcement information. RCRAInfo and myDEQ feed data to ECHO, so ADEQ places a high priority on normal communication between the two systems. ADEQ works to ensure the best possible data quality using the following methods:

- The use of minimum field requirements and business rules in line with the data exchange guidelines for each RCRAInfo upload destination.
- Multiple layers of customer, operator, and property owner validation efforts in myDEQ using records from the Arizona Corporation Commission and various county assessor and/or county recorder data systems.
- Address verification using data from ESRI and USPS.
- Additional site validation using Geographic Information Systems, Google Maps, staff member site visits, photographic documentation, and other visual means.
- Comparing and contrasting data queries from AZURITE, myDEQ, and RCRAInfo (via Metabase), as well as conducting random spot checks and validation, to identify, review, document, discuss, and address any identified discrepancies or irregularities.
- Internal module testing, uploading, and reviewing new fields or system improvements prior to implementation and use in the production environment to ensure fluidity of data.

## **3. Biennial Reports**

Each LQG and TSD facility is required to submit a BR before March 1 of even-numbered calendar years (reporting year) covering activities in the preceding odd-numbered calendar year only (year to be reported). ADEQ meets the requirements of the BR by using the following steps:

- Use the new BR Module of RCRAInfo version 6.
- Identify all active LQGs and TSD facilities and create a baseline checklist in the BR Module by December 1 of the year to be reported.
- Send an email blast to each site on the baseline checklist by January 1 of the reporting year with links to either PowerPoint or PDF instructions posted online describing how to complete their BRs using RCRAInfo's BR Module.
- Discourage sites from using paper or PDF versions of EPA Form 8700-13.
- Collect the completed forms by March 1 of the reporting year.
- For sites formally requesting an extension, grant a 31-day extension to April 1 of the reporting year.
- Follow up with facilities that missed the deadlines and collect the remaining completed BR forms by May 31 of the reporting year.
- Communicate with LQGs and TSD facilities to correct all errors, eliminate all warnings, and complete initial submission to EPA by June 30 of the reporting year.
- Request Arizona's state summary report from EPA by July 1 of the reporting year.
- Address all concerns identified by the state summary report by October 15 of the reporting year.
- Declare BR submissions final by October 31 of the reporting year.

#### **4. Notifications**

ADEQ processes new handler and handler modification notifications in the myDEQ application. The notification fields in the myDEQ application reflect those included in EPA's 8700-12 form and are regulated and controlled by the same business rules and minimum data field requirements as RCRAInfo. The notification data entered into myDEQ is uploaded to RCRAInfo nightly via schedules within OpenNode2. Data quality will be ensured using the same methods outlined in the "Improving Data Quality" section above.



## 4. State Forms – 40 CFR §271.6(d)

TSD facilities, LQGs, SQGs, and hazardous waste transporters are required to complete Arizona's hazardous waste registration self-reporting in myDEQ on an annual basis. The annual due date for submission is March 1. Each facility is prompted to confirm its RCRA status for the previous year and update its status for the current year. If the site is a TSD facility or resource recovery facility, myDEQ requests information regarding the tonnage of hazardous waste material received. In addition, if the current year RCRA status is different from the last submitted self-report, myDEQ requires the applicant to modify their information and submit an updated registration.

LQGs are required to complete Arizona's hazardous waste generation fee self-reporting via myDEQ on a quarterly basis. Email reminders are sent to the LQG during the first week of January, April, July, and October. The due date for responses is 45 days after the end of the specified quarter. Each facility must indicate the amount of hazardous waste shipped off-site and/or the amount of hazardous waste disposed of on-site during the quarter. SQGs are required to complete an identical generation self-reporting in myDEQ on an annual basis; email reminders for this group are sent with annual registration self-reporting reminder emails at the beginning of January.

Pursuant to A.R.S. § 49-922(C) and A.A.C. R18-8-270(J), ADEQ requires that permit applicants and other key persons associated with a hazardous waste treatment, storage, and disposal facility supply character/background information sufficient to demonstrate their reliability, expertise, integrity, and competence to operate a hazardous waste facility. The forms required are attached in Appendix E.

- The applicant form is used for the corporation, company, partnership, or other entity seeking a hazardous waste TSD facility permit that is identified in the permit application
- The key employee form is used for any person employed by the applicant in a supervisory capacity or empowered to make discretionary decisions with respect to the solid waste or hazardous waste operations of the facility. This may include positions such as the plant manager, environmental manager, emergency coordinator, and training director.
- The form for facility owners, officers, partners, or other directors is completed by each of the applicant's corporate officers, directors, partners, or persons or business entities that hold ten percent or more of the equity or debt liability of the company.

## 5. Compliance and Enforcement Tracking – 40 CFR 271.6(e)

ADEQ’s hazardous waste compliance and enforcement program helps businesses understand and comply with environmental regulatory requirements and promotes positive environmental practices. ADEQ focuses on increasing the number of facilities in compliance at the time of inspection and reducing the timeframe for a facility to return to compliance when violations occur.

Compliance actions start with a field inspection, a file review, or a complaint. ADEQ can take informal or formal action against a facility and its owner if deficiencies are found during an inspection. Generally, ADEQ prefers to use its informal compliance assurance tools: a Notice of Opportunity to Correct Deficiencies (NOC) or a Notice of Violation (NOV). The NOC and NOV do not constitute a “final action against the party” and are not appealable agency actions under A.R.S. § 41-1092. In some cases, ADEQ must use its formal enforcement authority. In all compliance actions, the goal remains to bring facilities back into compliance as quickly as possible. ADEQ’s Compliance and Enforcement Handbook is a Standard Operating Procedure documenting the standard work processes for all ADEQ compliance personnel.

ADEQ hazardous waste program staff develop an inspection strategy annually. Hazardous waste facility inspection frequencies vary with the type of facility. Approximately 20% of LQGs are inspected annually, with all facilities being inspected at least once every five years. The inspection frequency for SQGs is based on the type of industry, complaints received, and the data submitted by the facility, with a focus on significant changes. VSQGs are inspected at a frequency based on the type of industry and complaints received. Arizona’s TSD facilities are inspected annually.

ADEQ hazardous waste inspections and compliance team members prepare all informal enforcement actions and pursue formal administrative enforcement actions through coordination with the Arizona Attorney General’s Office. ADEQ may refer potential criminal acts to the Attorney General’s Office or EPA for review.

Table 3 provides ADEQ’s hazardous waste program compliance and enforcement program activity data.

**Table 3. Compliance and Enforcement Activities**

<b>Compliance Activity</b>	<b>FY 19</b>	<b>FY 20</b>
Inspections completed	145	228
Complaint investigations	19	10
Notices issued (NOC)	40	60
Cases initiated (NOV)	6	12

ADEQ utilizes an inspections, compliance, and enforcement (ICE) tracking database composed of three modules for all of its regulatory programs. The complaint module tracks complaints made by the public against regulated facilities. This module allows staff to input complaint information they receive and allows the public to file complaints electronically on ADEQ’s website. The inspection module tracks inspection actions and includes information on other types of inspections conducted, inspection findings, inspection history, permit information, responsible party information, facility location, and

compliance correspondence. The compliance module tracks both formal and informal enforcement actions, where informal actions include the issuance of NOVs and NOCs, and formal actions include the issuance of unilateral and bilateral administrative orders, judgements of the court, and court decrees.

ICE triggers time-sensitive reminders to staff and supervisors when enforcement deadlines are approaching. It also generates standardized reports that are used to monitor compliance. Staff members have worked with ADEQ's internal business information team to issue 10-day compliance deadline reminders to facilities in order to assist with timely completion of compliance conditions.

## 6. State Manifests and Tracking System – 40 CFR §271.6(f)

All hazardous waste manifests in Arizona must be submitted via EPA's e-Manifest System. The submission requirement to the e-Manifest System applies to SQGs, LQGs, and TSD facilities. VSQGs are exempt from this submission requirement. In addition, any hazardous waste transporters who pick up or drop off waste in Arizona are required to submit those manifests via the e-Manifest system.

ADEQ uses RCRAInfo outbound solicit services to download e-Manifest data on a nightly basis. This data is reviewed and used to identify non-notifiers, illegal storage and accumulation, illegal transfer stations, incorrect generator classifications, and inaccurate registration and generation reporting.

## 7. Estimate of Regulated Activities – 40 CFR §271.6(g) and (h)

### A. Generators and Transporters

The universe of hazardous waste generators, transporters, and TSD facilities in Arizona is derived from multiple sources. ADEQ’s ARID schema contains data pertaining to compliance and enforcement (CM&E), corrective action, financial assurance, and permitting, and all notification, registration, generation, and site closure data is stored and managed in myDEQ. Counts of hazardous waste generators and transporters were calculated in January 2021 and are provided in Tables 4 and 5 below. The calculations in these tables reflect only currently active handlers and exclude handlers that are located on Tribal lands.

**TABLE 4 – Arizona’s Hazardous Waste Handler Universe**

<b>HANDLER TYPE</b>	<b>DATA SOURCE</b> <b>myDEQ - Handler Universe</b>
LQGs	351
Small Quantity Generators (SQGs)	696
Very Small Quantity Generators (VSQGs)	1,680
Not a Generator	684
<b>TOTAL</b>	<b>3,411</b>

**Table 5 – Arizona Hazardous Waste Transporters**

<b>TRANSPORTER TYPE</b>	<b>DATA SOURCE</b> <b>myDEQ - Handler Universe</b>
In-State Transporters	79
Out-of-state Transporters	214
<b>TOTAL</b>	<b>293</b>

## B. Treatment, Storage, and Disposal Facilities

Arizona has 13 state-regulated TSD facilities summarized in Table 6.

**Table 6 - Arizona TSD Facilities**

Status	Facility Name
OPERATING PERMIT	Clean Harbors Arizona, LLC Heritage Environmental Services Safety-Kleen Chandler U.S. Army Garrison Yuma Proving Ground U.S.M.C. Barry M. Goldwater Range (West) Veolia ES Technical Solutions, LLC World Resources Company
IN POST-CLOSURE AND/OR CORRECTIVE ACTION	Camp Navajo Conn-Selmer, Inc. Goodrich Universal Propulsion Company Nammo Defense Systems, Inc. <sup>1</sup> University of Arizona – Page Ranch U.S.A.F. Barry M. Goldwater Range (East)

<sup>1</sup>Nammo Defense Systems no longer operates as a TSD facility and is conducting corrective action pursuant to an EPA order issued under RCRA Section 3008(h).

## C. Estimated Annual Quantities of Hazardous Waste

Table 7 provides additional information regarding amounts of hazardous waste generated and shipped off-site by all TSD facilities, LQGs, SQGs, and VSQGs in Arizona, as determined from 2020 manifests.

**TABLE 7 – Hazardous Waste Generated and Shipped Off Site by Calendar Year**

Year	Quantity in Pounds	Quantity in Tons
2020	116,632,797.2	58,316.4

**Appendix A**  
**Scope of Program Revisions**

## FEDERAL REQUIREMENTS FOR WHICH ARIZONA IS SEEKING AUTHORIZATION

Cluster <sup>i</sup>	Checklist Number <sup>ii</sup>	Federal Requirement	Reference	Promulgation Date	Provision Type <sup>iii</sup>	Optional <sup>iv</sup>
XVIII <sup>1</sup>	217	NESHAP: Final Standards for Hazardous Waste Combustors (Phase I Final Replacement Standards and Phase II) Amendments	73 FR 18970	04/08/2008	HSWA/Non-HSWA	Yes
	218	F019 Exemption for Wastewater Treatment Sludges from Auto Manufacturing Zinc Phosphating Processes	73 FR 31756	06/04/2008	Non-HSWA	Yes
	219	Revisions to the Definition of Solid Waste	73 FR 64668	10/30/2008	Non-HSWA	Yes
XIX <sup>2</sup>	220	Academic Laboratories Generator Standards	73 FR 72912	12/01/2008	Non-HSWA	Yes
	222	OECD Requirements; Export Shipments of Spent Lead-Acid Batteries	75 FR 1236	01/08/2010	Non-HSWA	No
XX	223	Hazardous Waste Technical Corrections and Clarifications	75 FR 12989 75 FR 31716	03/18/2010 06/04/2010	HSWA/Non-HSWA	Yes, Except for § 262.23
	225	Removal of Saccharin and Its Salts from the Lists of Hazardous Constituents	75 FR 78918	12/17/2010	Non-HSWA	Yes
XXI	226	Academic Laboratories Generator Standards Technical Corrections	75 FR 79304	12/20/2010	Non-HSWA	Yes
	227	Revision of the Land Disposal Treatment Standards for Carbamate Wastes	76 FR 34147	06/13/2011	HSWA	Yes
	228	Hazardous Waste Technical Corrections and Clarifications	77 FR 22229	04/13/2012	Non-HSWA	Yes
XXII	229	Conditional Exclusions for Solvent Contaminated Wipes	78 FR 46448	07/31/2013	Non-HSWA	Yes
XXIII	230	Conditional Exclusion for Carbon Dioxide (CO <sub>2</sub> ) Streams in Geologic Sequestration Activities	79 FR 350	01/03/2014	Non-HSWA	Yes
	231	Hazardous Waste Electronic Manifest System	79 FR 7518	02/07/2014	Non-HSWA	No
	232	Revisions to the Export Provisions of the Cathode Ray Tube (CRT) Rule	79 FR 36220	06/26/2014	HSWA	No
	233	Revisions to the Definition of Solid Waste, Response to Vacatur of Certain Provisions of the Definition of Solid Waste Rule	80 FR 1694 83 FR 24664	01/13/2015 05/30/2018	Non-HSWA	No, although certain sections are optional

<sup>1</sup> The rule for Checklist 216 (Exclusion of Oil-Bearing Secondary Materials Processed in a Gasification System to Produce Synthesis Gas) was vacated on 04/08/2015, 80 FR 18777. This checklist is not part of ADEQ's request for authorization.

<sup>2</sup> Checklists 221 and 224 cover the Emission Comparable Fuel Exclusion rule and its withdrawal. ADEQ did not adopt this rule.



Cluster <sup>i</sup>	Checklist Number <sup>ii</sup>	Federal Requirement	Reference	Promulgation Date	Provision Type <sup>iii</sup>	Optional <sup>iv</sup>
XXIV	234	Vacatur of the Comparable Fuels Rule and the Gasification Rule	80 FR 18777	04/08/2015	Non-HSWA	No
	235	Disposal of Coal Combustion Residuals from Electric Utilities	80 FR 21302	04/17/2015	Non-HSWA	Yes
	236	Imports and Exports of Hazardous Waste	81 FR 85696 82 FR 41015	11/28/2016 08/29/2017	HSWA	No
XXV	237 <sup>3</sup>	Hazardous Waste Generator Rule Improvements	81 FR 85732	11/28/2016	Non-HSWA	No, however, most provisions are equivalent or less stringent
	238	Confidentiality Determinations for Hazardous Waste Export and Import Documents	83 FR 60894	12/26/2017	HSWA	No
XXVI	239	Hazardous Waste Electronic Manifest System User Fee	83 FR 420	01/03/2018	Non-HSWA	No
	240	Safe Management of Recalled Airbags	83 FR 61552	11/30/2018	Non-HSWA	Yes
XXVII	241	Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine	84 FR 5816	02/22/2019	HSWA/Non-HSWA	No
XXVIII	242	Universal Waste Regulations: Addition of Aerosol Cans	84 FR 67202	12/09/2019	Non-HSWA	Yes

<sup>i</sup> The cluster periods coincide with the annual publications of the CFR.

<sup>ii</sup> The rule checklists are based on specific federal rules published in the Federal Register that address changes made to the federal RCRA program beyond the base program.

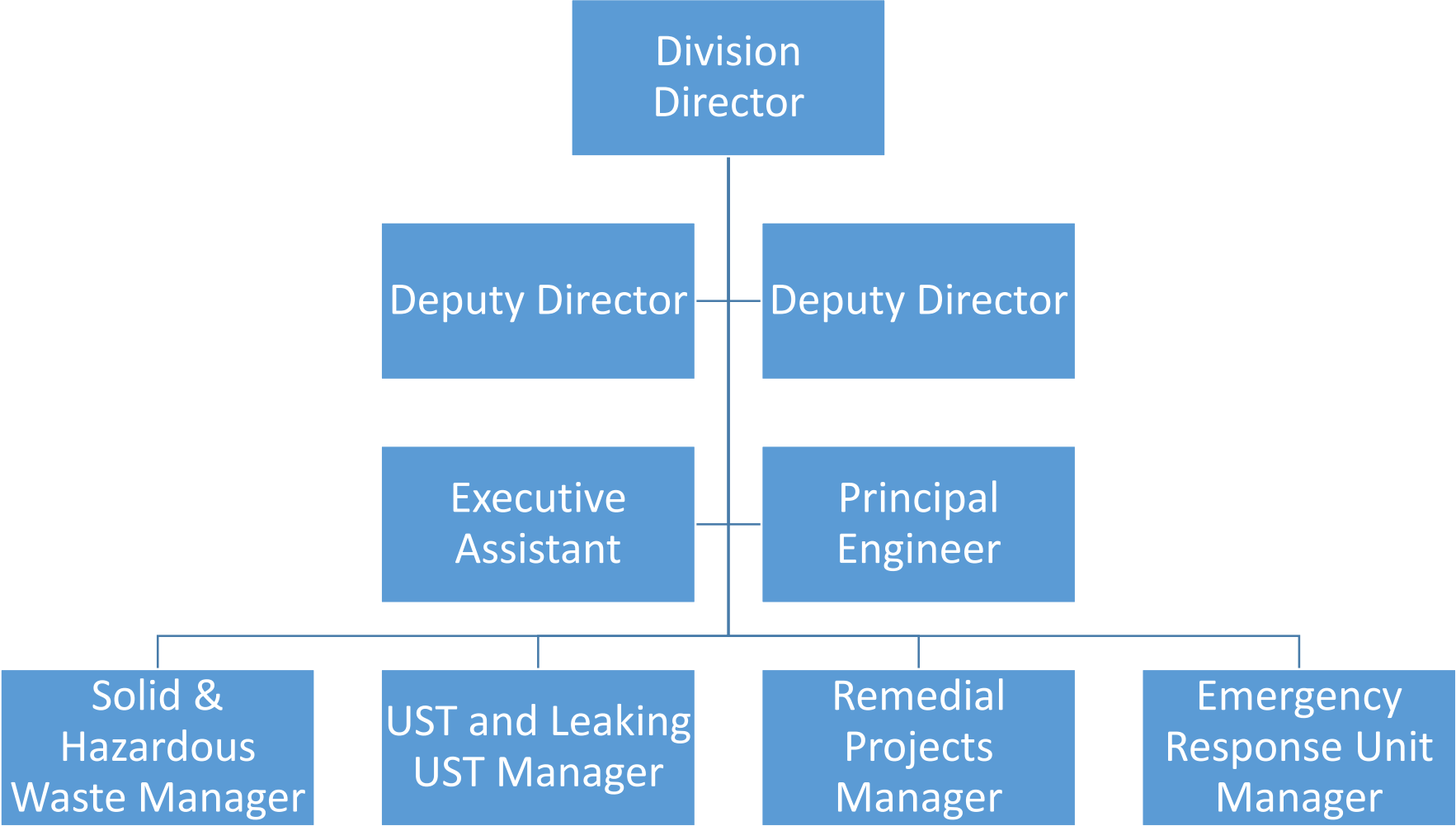
<sup>iii</sup> The Hazardous and Solid Waste Amendments of 1984 (HSWA) broadened the scope and requirements of RCRA. The preamble to each rule indicates whether it is promulgated pursuant to HSWA or pre-HSWA authority. Some rules are promulgated under both.

<sup>iv</sup> Federal program changes that are more stringent or broader in scope than the existing Federal program require State program revision applications and EPA approval. States are not required to modify their programs to address Federal changes that are less stringent than the existing Federal program or that reduce the scope of the existing Federal program. These changes are optional and are noted as such in the FR. However, Arizona law does not permit hazardous waste rules that are more stringent than the Federal rules except for procedural standards (A.R.S. §49-922(A)).

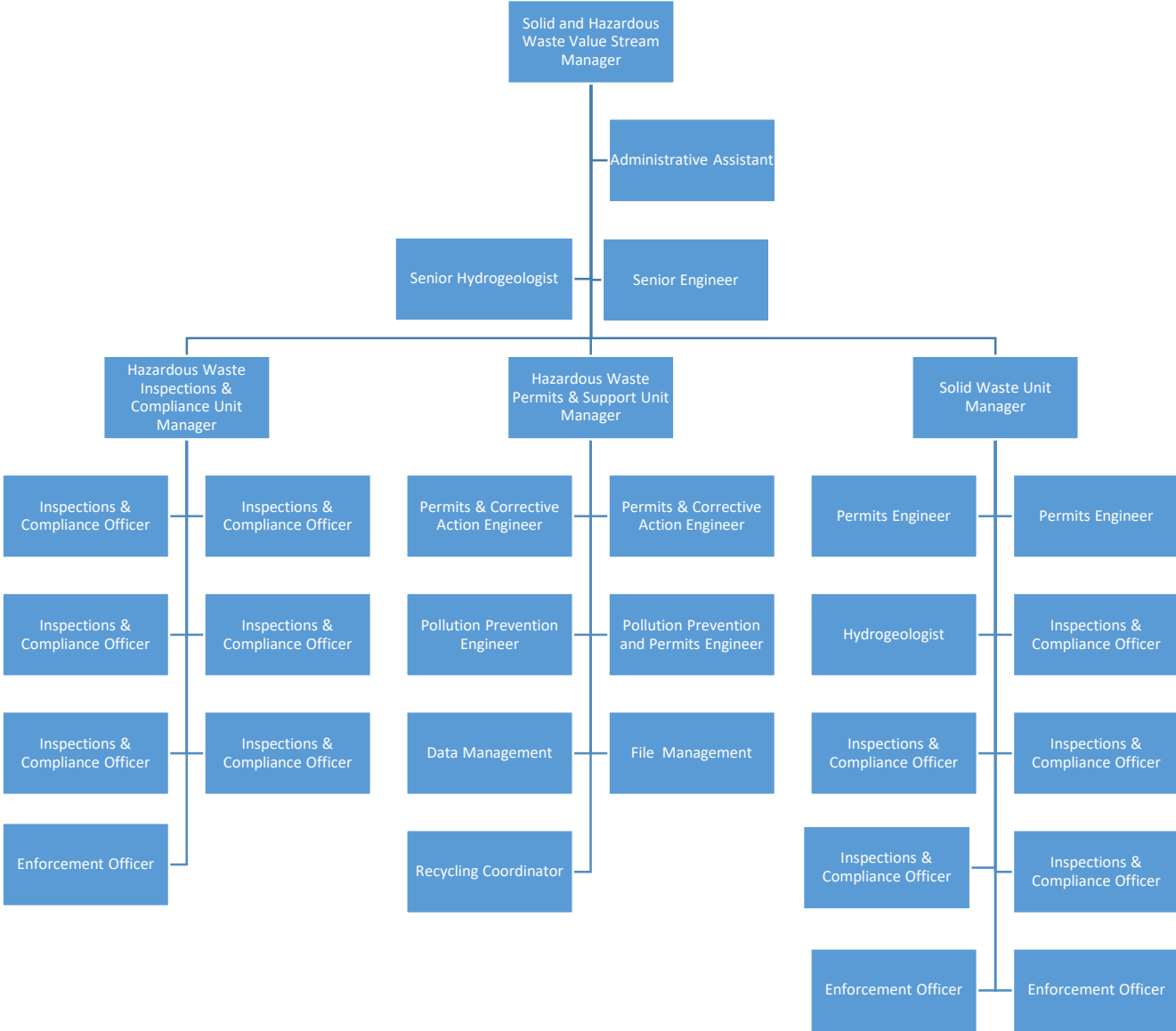
<sup>3</sup> Amendments to Parts 267 and 279 were not incorporated.

**Appendix B**  
**Organizational Charts**

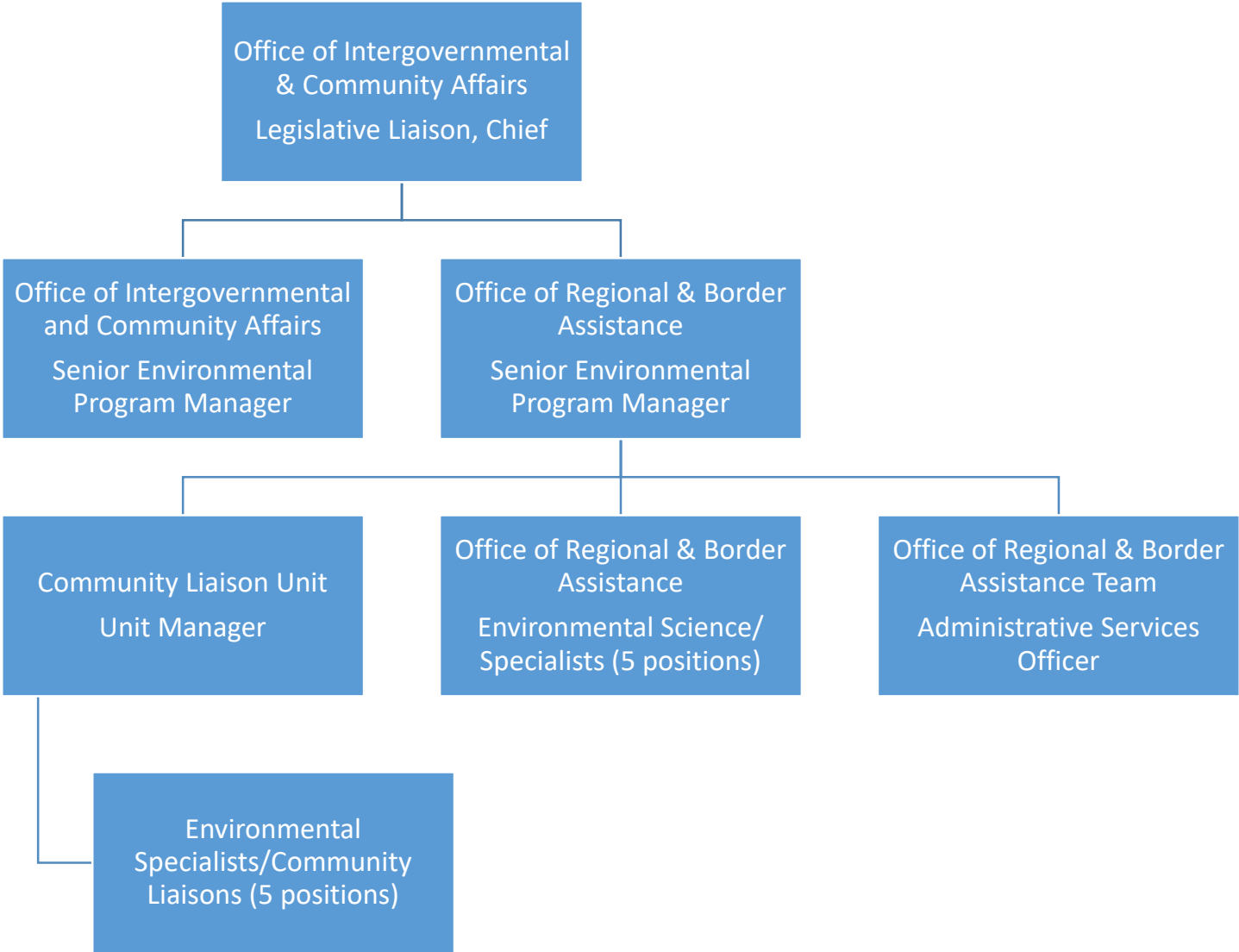
# ADEQ Waste Programs Division



# ADEQ WPD Solid & Hazardous Waste Section



# ADEQ Office of Intergovernmental & Community Affairs



## **Appendix C**

# **Pima County Delegation Agreement**

<b>CONTRACT</b>	
NO.	<b>CT-DE-17-024</b>
AMENDMENT NO.	_____
This number must appear on all invoices, correspondence and documents pertaining to this contract.	

DELEGATION AGREEMENT

Between

Arizona Department of Environmental Quality

And

Pima County, hereinafter, County, a political subdivision of the State of Arizona, acting by and through the Pima County Department of Environmental Quality and the Pima County Health Department

Delegation Agreement #ADEQ16-127337

Whereas, Arizona Revised Statutes (A.R.S.) § 49-107, authorizes the Director of the Arizona Department of Environmental Quality (ADEQ) to delegate to a local environmental agency, or county health department, any functions, powers, and duties, hereinafter, Functions and Duties, which the Director believes can be competently, efficiently, and properly performed by the local environmental agency, or county health department and

Whereas, the Pima County Department of Environmental Quality and the Pima County Health Department are the local environmental agency and county health department, respectively, hereinafter, LA, as set forth in A.R.S. § 49-107, and

Whereas, A.R.S. §§ 11-201(A)(3) and 49-107 authorize the County Board of Supervisors (and by delegation the LA, where the LA is a local environmental agency or health department) to enter into contracts as necessary to assist LA in exercising its powers, and

Whereas, the LA deems that it is in its best interests to accept such delegation,

Therefore, the Director of ADEQ delegates to the Pima County Department of Environmental Quality as LA, and the LA accepts the delegation of those Functions and Duties described in the Appendices of this Delegation Agreement, hereinafter Agreement, (Appendix A of this Agreement for Wastewater and Drinking Water Delegations, except Subpart A, paragraph 11, Public and Semipublic Swimming Pools; Appendix B of this Agreement for Solid Waste Delegations), and Appendix C of this Agreement for Hazardous Waste Generators) on behalf of ADEQ and in accordance with the terms and conditions specified in this Agreement.

Further, the Director of ADEQ delegates to the Pima County Health Department as LA, and the LA accepts the delegation of those Functions and Duties described in Appendix A, Subpart A, Paragraph 11, Public and Semipublic Swimming Pools, of this Agreement on behalf of ADEQ and in accordance with the terms and conditions specified in this Agreement.

A. DELEGATED FUNCTIONS AND DUTIES

The Functions and Duties that are delegated to the LA by this Agreement are identified in Sections A through N, and in Appendices A, B and C of this Agreement. ADEQ statutes, rules and policies and guidance shall be used in implementing the delegated Functions and Duties. The Functions and Duties not specifically delegated by this Agreement are retained by ADEQ.

## B. STANDARDS OF PERFORMANCE

1. The standards of performance required of the LA to perform the delegated Functions and Duties and to fulfill the terms of this Agreement are those provided by statute and duly adopted rule, and are generally the same as those required of ADEQ personnel. The performance of the delegated Functions and Duties by the LA shall conform to ADEQ statutes, rules, policies and guidance. Program-specific standards of performance are identified in the Appendices of this Agreement.
2. ADEQ shall provide the LA with periodic training upon the request of the LA.
3. ADEQ shall provide operating guidance for use in implementing the terms of this Agreement concurrent with the execution of this Agreement. ADEQ will use its best efforts to provide the LA with the new and/or updated guidance prior to or shortly after the effective date of the guidance. The guidance shall, at a minimum, include Engineering Bulletins, program guidance memoranda, substantive policy statements, copies of all applicable forms, policies and procedures, and other material that may assist the LA to carry out the delegated Functions and Duties specified in this Agreement. The LA may contact ADEQ for clarification or guidance on procedural or technical issues.
4. In the event of any dispute between the LA and a third party regarding the LA's interpretation or application of ADEQ statutes, rules, policies and guidance, ADEQ shall, if requested by the LA, provide timely assistance and direction to the LA.

## C. FEE AUTHORITY AND TYPES OF FEES

1. To the extent permitted by law, ADEQ delegates the authority to collect fees under its established fee rules to assure the LA may accomplish delegated Functions and Duties according to the applicable standards.

The LA shall annually report delegated program authority fees to ADEQ on or before September 1<sup>st</sup>. The report shall list all permits issued that year and the total revenue for each general permit category. ADEQ shall provide the LA with a template for the report. The report shall be delivered to ADEQ Central Office, 1110 West Washington Avenue, Phoenix, Arizona 85007, to the Assistant Director of Business and Financial Services.

Unless otherwise provided by statute, fees imposed by the LA shall be limited to the cost



of service, including all direct and indirect costs.

2. Fees are authorized by, and shall conform to, the requirements of state laws and rules and county ordinances.
3. All fees collected by the LA pursuant to this Agreement shall be retained by the LA as consideration for performing the Functions and Duties described in this Agreement.

D. PERSONNEL QUALIFICATIONS

1. The required personnel qualifications for exercising each Program's delegated Functions and Duties are identified in the corresponding Appendix to this Agreement.
2. To comply with A.R.S. §41-4401(A), each party hereby warrants its compliance with all federal immigration laws and regulations that relate to its employees and A.R.S. § 23-214(A). If either party uses any subcontractors in performance of this Agreement, subcontractors shall warrant their compliance with all federal immigration laws and regulations that relate to its employees and A.R.S. § 23-214(A). A breach of this warranty shall be deemed a material breach of the Agreement subject to penalties up to and including termination of this Agreement. Each party retains the legal right to inspect the papers of any contractor or subcontractor employee who works on the Agreement to ensure that the contractor or subcontractor is complying with this warranty.

E. RECORD KEEPING AND REPORTING REQUIREMENTS

1. The LA agrees to maintain records relating to its performance of the delegated Functions and Duties as specified in this Agreement for a period of ten years from the date of complete resolution of any technical dispute, contested case, action against a party, or any appealable agency action, unless a longer period is required by statute or rule.
2. The LA agrees to create and submit reports related to its performance of the delegated Functions and Duties as specified in this Agreement. The reports shall be created and submitted to ADEQ in accordance with the specifications in the Appendices to this Agreement.

F. OVERSIGHT ACTIVITIES

1. ADEQ may accompany LA personnel on inspections and may review all records relating to the LA's performance of the delegated Functions and Duties as set forth in this Agreement. ADEQ shall provide prior notice to the LA of its intent to accompany LA personnel on inspections. LA personnel may accompany ADEQ inspectors on inspections for purposes of training, information sharing or coordinating LA and ADEQ activities. The LA shall provide prior notice to ADEQ of its request to accompany ADEQ inspectors on inspections.

2. Periodically, ADEQ shall conduct an evaluation of the LA's performance of the delegated Functions and Duties. Either party to this Agreement may request that the frequency of evaluations be increased. The initial results of all program evaluations shall be in writing and shall be communicated to the LA in a draft report. The LA is entitled to comment on the draft report. After ADEQ'S response to comments, ADEQ shall finalize the report and transmit a copy to the LA. The final reports of all program evaluations are public documents pursuant to A.R.S. § 39-121 *et seq.*

G. DELEGATION OF ENFORCEMENT AUTHORITIES; LOCAL AGENCY OBLIGATIONS

1. This Agreement is subject to the provisions of A.R.S. § 49-106 concerning statewide application of rules.
2. As a supplement to any independent statutory authority LA may have, LA is hereby delegated the enforcement authorities pursuant to A.R.S. §§ 44-1307, 49-141, 49-142, 49-261, 49-262, 49-354 (A) and (B), 49-460 through 463, 49-781 through 783, 49-791, 49-922(B), 49-923 and 49-924, as applicable to the delegated Functions and Duties specified in this Agreement.
3. The LA shall be responsible for initiating timely and appropriate enforcement actions for alleged violations by individuals and facilities affected under this Agreement. The LA agrees to the extent practical to make compliance determinations and conduct enforcement actions in accordance with ADEQ's Compliance and Enforcement Handbook. The LA shall use inspection checklists and boilerplate documents provided by ADEQ or such documents that contain the same content as those documents provided by ADEQ.
4. ADEQ retains its authority to take an enforcement action against any individual or facility, the regulation of which is specified in this Agreement. At its discretion, ADEQ may refrain from exercising such authority if ADEQ determines that the enforcement action taken by the LA is timely, appropriate and effective. Except in a case involving an immediate threat to the public health, safety or environment, ADEQ shall give the LA 30 days prior written notice of its intent to initiate an enforcement action if the LA fails to initiate such enforcement action. In a case involving an immediate threat to the public health, safety or environment, ADEQ shall make its best efforts to notify the LA prior to its undertaking such an enforcement action.
5. Where appropriate, and if there is no conflict with applicable environmental statutes and rules, LA may conduct enforcement action using the authority provided by A.R.S. Title 36 or A.R.S. Title 49, Chapter 3, Article 3. Nothing herein shall preclude LA from independently initiating enforcement action pursuant to its own authority under A.R.S. §§ 36-602, 36-603, 49-143, and 49-144, or any other civil or criminal statute or local ordinance, or from pursuing any other available legal or equitable remedy.

6. In those cases where the Attorney General has exclusive authority to bring an action to collect civil penalties, ADEQ shall timely notify the Attorney General of the LA's request to initiate an enforcement action, and such enforcement action shall be coordinated among the LA, ADEQ, the Attorney General and the LA's County Attorney.
7. In cases of civil enforcement, the LA and ADEQ shall coordinate litigation and settlements, unless the LA has independent statutory enforcement authority. The LA and ADEQ may act as co-plaintiffs in order to maximize resources.
8. In cases where LA and ADEQ are co-plaintiffs involving alleged violations that require civil penalties to be deposited in the state general fund, all civil penalties collected shall be forwarded to ADEQ with copies of court documentation for deposit into the state general fund. Unless otherwise required by law, in all other cases where LA and ADEQ are co-plaintiffs, all civil penalties collected shall be divided equally unless other mutually agreeable arrangements are made prior to the commencement of the action.
9. ADEQ may execute compliance initiatives directed at certain classes of violations or facilities that are alleged to be in violation of applicable statutes or rules. When possible, ADEQ will provide the LA with 30 days prior written notice of such initiatives. To the best of its ability, the LA agrees to cooperate in the successful execution of such compliance initiatives that involve facilities, the regulation of which has been delegated by this Agreement.

#### H. APPEALS OF LOCAL AGENCY ACTIONS

1. Unless otherwise provided by statute, LA shall conduct administrative hearings for appeals of licensing decisions and enforcement actions taken by the LA under the delegated Functions and Duties of this Agreement in accordance with the A.R.S. Title 41, Chapter 6 Administrative Procedures, A.R.S. § 41-1092 *et seq.*, and the Office of Administrative Hearings, Rules of Procedure, Arizona Administrative Code (A.A.C.) R2-19-101 *et seq.* The LA shall use administrative law judges provided by the Office of Administrative Hearings (OAH). If an OAH administrative law judge conducts an administrative hearing under this Agreement, ADEQ shall pay for the OAH's costs on behalf of the LA related to the hearing. The LA, the LA's County Attorney, or counsel retained by LA, shall represent the LA at all administrative hearings. Nothing in this agreement mandates that the LA contract for the services of administrative law judges with respect to administrative hearings involving matters arising from the LA's independent authority, functions and duties.
2. Pursuant to A.R.S. § 12-904, if the OAH administrative law judge grants or denies the relief requested, either the appellant or the LA may file a complaint in superior court within 35 days after the decision.
3. The LA shall provide ADEQ an annual report by July 31<sup>st</sup> of appeals filed and their final

resolution.

#### I. LICENSING AUTHORITY

1. The LA agrees to comply with the overall time frames set forth in A.A.C. R18-1-525 when issuing licenses pursuant to delegated Functions and Duties under this Agreement. The LA shall provide a quarterly report within 30 days after the end of the calendar quarter to ADEQ indicating the number of licenses issued that quarter, by general type of license, and the number of licenses that exceeded the licensing time frame for the licensing decision. If the LA fails to meet a licensing time frame, the quarterly report shall indicate the reason(s) why the licensing time frame was missed and the corrective action the LA has taken. If the LA demonstrates a pattern of failing to meet the required licensing time frames, ADEQ shall assist the LA in correcting the deficiencies in LA's licensing procedures.
2. The LA shall submit the quarterly reports described in subsection 1 of this Section to the ADEQ primary contact person designated in Appendices A through D of this Agreement.

#### J. LOCAL AGENCY INDEPENDENT AUTHORITY; SUBDELEGATION

1. ADEQ's delegation of Functions and Duties to a municipality within the LA's boundaries shall in no way infringe upon, reduce or usurp the LA's right, authority and responsibility to implement non-delegated authorized activities and programs.
2. The LA may not sub-delegate Functions and Duties delegated pursuant to this Agreement to another local government agency or political subdivision without obtaining the prior written approval of the Director of ADEQ.
3. ADEQ shall provide the LA a copy of any delegation agreement it has entered into with a municipality, located in whole or in part within the LA's boundaries.

#### K. CONFLICT RESOLUTION PROCEDURES

The parties may resolve a conflict arising under this Agreement through arbitration. If the parties invoke this provision, the parties shall select a mutually acceptable third party as arbitrator. Each party shall bear its own arbitration fees, attorney fees and costs.

#### L. AMENDMENT AND TERMINATION PROCEDURES

1. Either party may seek to amend this Agreement. An amendment to this Agreement shall be in writing, shall be executed by the Director of ADEQ, the Director of the LA, the Chairman of the LA's Board of Supervisors, the Clerk of the LA's Board of Supervisors, and shall be approved as to form by the Attorney General and the LA's County Attorney.

Amendments shall comply with the provisions in A.R.S. § 41-1081. Amendments to this Agreement shall be effective 30 days after written notice of ADEQ's final decision to amend this agreement and approval by all parties.

2. This Agreement may be terminated, in whole or in part, by either party upon providing 30 days prior written notice by certified mail to the other party and in compliance with subsection 3 of this section.
3. The LA shall, prior to the termination of all or part of this Agreement, forward to the ADEQ Director all files, public documents and pending applications received by the LA for those delegated Functions and Duties being terminated, a summary status report of those delegated Functions and Duties, and shall provide written notification to all persons with pending applications and to all regulated facilities affected by the termination of this Agreement.
4. The cancellation provisions of A.R.S. § 38-511, the terms of which are incorporated by reference, shall apply to this Agreement.

#### M. TERM OF AGREEMENT

Unless otherwise stated, this Agreement is effective 30 days after written notice of ADEQ's decision to enter into this Agreement and approval by all parties. This Agreement shall expire on June 30, 2050. If a new Agreement is not executed by that date, ADEQ and the LA may agree to extend this Agreement by filing an amendment in accordance with Section L of this Agreement.

#### N. NAME AND ADDRESS OF PRIMARY CONTACT PERSONS

ADEQ Diane L. Arnst  
Policy Analyst  
Arizona Department of Environmental Quality  
1110 W. Washington Street  
Phoenix, AZ 85007  
(602) 771-2375  
da2@azdeq.gov

#### LA

Ursula Nelson, Director  
Pima County Department of Environmental Quality  
33 North Stone Avenue, Suite 700  
Tucson, AZ 85714  
Ursula.Nelson@pima.gov

The name of a successor to any of the above-named individuals shall not require the execution of an amendment to this Agreement.

**Appendix A  
To  
Pima County Delegation Agreement  
#ADEQ16-127337**

**Water Quality Management**

**A. Delegated Functions and Duties:**

The LA agrees to perform those delegated Functions and Duties listed in the following table:

Functions and Duties	Applicable Rule(s) in Title 18 of the Arizona Administrative Code	Personnel Qualifications	Standards of Performance
<p>1. General functions and duties pertaining to the administration of <u>Type 1 and Type 4 General Aquifer Protection Permits</u> delegated to the LA pursuant to this table. The extent of the applicable rules for these general functions and duties shall be limited to those relevant to the approvals, authorizations and permits which are herein delegated to the LA. Delegated functions and duties are further limited in Subpart B of this Appendix.</p>	<p>R18-9-101; R18-9-110; R18-9-A301(A)(1), (A)(4), (B) and (D); R18-9-A302 through R18-9-A308; R18-9-A309 except (E); R18-9-A310 except (D)(1)(d) and (H); R18-9-A311 through A313; R18-9-A314 except (3)(b); R18-9-A315; and R18-9-A316 except (B)(2) and (3)(f)</p>	<p>C1, C2, C3, C4, C5</p>	<p>D1.1 - D1.4</p>
<p>2. Complaint response, compliance assistance, and compliance and enforcement responsibilities for the following <u>Type 1 General Aquifer Protection Permits</u>:</p> <p>1.07 Dockside facilities and watercraft</p> <p>1.08 Earth pit privy</p> <p>1.09 On- site wastewater treatment facilities and sewage treatment facilities approved by the Department before January 1, 2001 operating under a general permit before January 1, 2001 with a flow less than 20,000 gallons per day</p> <p>1.10 Sewage collection systems subject to R18-9-B301(J)</p> <p>1.11 Sewage collection systems subject to</p>	<p>R18-9-B301(G), (H), (I), (J), and (K).</p>	<p>C1, C2, C3, C4, C5</p>	<p>D1.1 - D1.4</p>

Functions and Duties	Applicable Rule(s) in Title 18 of the Arizona Administrative Code	Personnel Qualifications	Standards of Performance
R18-9-B301(K)			
3. Application review, inspection, issuance or denial of Construction and Discharge Authorizations, compliance and enforcement tasks for the <u>4.02 General Aquifer Protection Permit for a Septic Tank System with Disposal by Trench, Bed, Chamber Technology, or Seepage Pit</u> with a design flow of less than 3000 gallons per day.	R18-9-E302 and relevant rules listed for Item #1	C1, C2, C3, C4, C5	D1.1 - D1.4
<p>4. Application review, inspection, issuance or denial of Construction and Discharge Authorizations, compliance and enforcement for the following <u>4.03 through 4.22 General Aquifer Protection Permits for On-Site Wastewater Treatment Facilities</u> with a design flow of less than 3000 gallons per day (delegation is granted for those general permits that are not stricken):</p> <p>4.03 Composting toilet</p> <p>4.04 Pressure distribution system</p> <p>4.05 Gravelless trench</p> <p>4.06 Natural seal E-T bed</p> <p>4.07 Lined E-T bed</p> <p>4.08 Wisconsin mound</p> <p>4.09 Engineered pad system</p> <p>4.10 Intermittent sand filter</p> <p>4.11 Peat filter</p> <p>4.12 Textile filter</p> <p>4.13 Denitrifying w/separated wastewater streams</p> <p>4.14 Sewage vault</p> <p>4.15 Aerobic system</p> <p>4.16 Nitrate-reactive media filter</p> <p>4.17 Cap system</p> <p>4.18 Constructed wetlands</p> <p>4.19 Sand-lined trench</p>	<p>Relevant rules listed for Item #1 and:</p> <p>R18-9-E303</p> <p>R18-9-E304</p> <p>R18-9-E305</p> <p>R18-9-E306</p> <p>R18-9-E307</p> <p>R18-9-E308</p> <p>R18-9-E309</p> <p>R18-9-E310</p> <p>R18-9-E311</p> <p>R18-9-E312</p> <p>R18-9-E313</p> <p>R18-9-E314</p> <p>R18-9-E315</p> <p>R18-9-E316</p> <p>R18-9-E317</p> <p>R18-9-E318</p> <p>R18-9-E319</p>	<p>Licensing decision for issuance or denial of a Construction Authorization or Discharge Authorization:</p> <p>C1, C2, C3, C5</p> <p>All other functions and duties:</p> <p>C1, C2, C3, C4, C5</p>	D1.1 - D1.4

Functions and Duties	Applicable Rule(s) in Title 18 of the Arizona Administrative Code	Personnel Qualifications	Standards of Performance
4.20 Disinfection devices 4.21 Surface disposal	R18-9-E320 R18-9-E321		
4.22 Subsurface drip irrigation	R18-9-E322		
5. Application review, inspection, issuance or denial of Construction and Discharge Authorizations, compliance and enforcement for the <u>4.23 General Aquifer Protection Permit for On-Site Wastewater Treatment Facilities</u> with a design flow from 3000 to less than 24,000 gallons per day	R18-9-E323 and relevant rules listed for Item #4.	Licensing decision for issuance or denial of a Construction Authorization or Discharge Authorization: C1, C2, C3  All other functions and duties: C1, C2, C3, C4, C5	D1.1 - D1.4
6. Application review, inspection, issuance or denial of Construction and Discharge Authorizations, compliance and enforcement for the <u>4.01 General Aquifer Protection Permit for Sewage Collection Systems</u>	R18-9-E301 and relevant rules listed for Item #1.	Personnel Qualifications same as Item #5	D1.1 - D1.4
7. Complaint response and compliance assistance for private residential <u>Gray Water Systems</u> authorized by the Type 1 Reclaimed Water General Permit	R18-9-701, R18-9-708(A), and R18-9-711 except (C) <sup>1</sup>	C1, C2, C3, C4, C5	D1.1 - D1.4
8. <u>Certificate of Approval for Sanitary Facilities for Subdivisions</u>  • Application review, inspection, and certificate issuance or denial as appropriate  • Compliance and enforcement	R18-9-A309(A)(8)(c) and R18-5-401 through R18-5-411	Licensing decision for issuance or denial of a certificate: C1, C2, C3  All other functions and duties: C1, C2, C3, C4, C5	D1.1 - D1.4

<sup>1</sup> Per A.R.S. §49-204.



Functions and Duties	Applicable Rule(s) in Title 18 of the Arizona Administrative Code	Personnel Qualifications	Standards of Performance
<p>9. <u>Public Water Systems:</u> Approval to Construct (ATC) and Approval of Construction (AOC)</p> <ul style="list-style-type: none"> <li>• Application review, construction inspection, and certificate issuance or denial as appropriate</li> <li>• Compliance and enforcement</li> </ul>	<p>R18-4-103 as related to definitions, R18-4-213, R18-4-215 except (F) through (I), R18-4-217, R18-5-501 through R18-5-509, A.R.S. 41-1009 inspection and A.R.S. 49-354 enforcement related to ATC/AOC</p>	<p>Licensing decision for issuance or denial of an ATC or AOC Certificate: C1, C2</p> <p>All other functions and duties: C1, C2, C3, C4, C5</p>	<p>D1.1 -D1.4; D2.1</p>
<p>10. <u>Public Water Systems</u></p> <ul style="list-style-type: none"> <li>• Monitoring &amp; Reporting compliance determinations and related enforcement for water systems <u>using only ground water and serving less than 50,000 people</u></li> <li>• Conduct Sanitary Surveys (compliance inspections) to ensure proper operation and maintenance of water systems <u>using only ground water and serving less than 50,000 people</u></li> </ul>	<p>R18-4-101, R18-4-102, R18-4-103 except (C), (D), and that incorporated by reference 40 CFR 141.4 as described in (C), R18-4-104 through R18-4-114, R18-4-117 through R18-4-126, R18-4-201 through R18-4-218 except R18-4-216</p>	<p>C1, C2, C3, C4, C5</p>	<p>D1.1 -- D1.4</p>
<p>11. <u>Public and Semipublic Swimming Pools</u> Approval to Construct (ATC) and Approval of Construction (AOC)</p> <ul style="list-style-type: none"> <li>• Application review, construction inspection, and certificate issuance or denial as appropriate</li> <li>• Compliance and enforcement</li> </ul>	<p>R18-5-201 through R18-5-251, R18-4-103 as related to definitions, R18-4-213</p>	<p>Licensing decision for issuance or denial of an ATC &amp; AOC certificates: C1, C2, C3</p> <p>All other functions and duties: C1, C2, C3, C4, C5</p>	<p>D1.1 - D1.4 D2.1</p>

**B. Exceptions and Special Provisions**

The delegated Functions and Duties specified in Subpart A of this Appendix shall be subject to the following exceptions and special provisions:

1. ADEQ will provide the LA a copy of the draft Individual Aquifer Protection Permit for review and comment for any sewage treatment system proposed within the LA’s jurisdictional boundaries.

2. Within 60 days after the effective date of this Agreement, ADEQ and the LA shall jointly develop and approve a schedule of training for administering delegated Functions and Duties.
3. Within 180 days after the effective date of this Agreement, ADEQ and the LA shall jointly develop and approve the process to ensure maintenance of LA proficiencies for the administration and implementation of delegated Functions and Duties in Appendix A, Subpart A of this Agreement.
4. The Director of ADEQ shall not accept, directly from an applicant any application package that involves the performance of a delegated Function or Duty. However, if the Director of ADEQ determines there is a compelling reason for ADEQ to review and/or approve an application package that involves a delegated Function or Duty, the LA shall provide the application package to ADEQ upon written request by the Director of ADEQ. ADEQ shall forward a copy of the completed file to the LA for any application package reviewed and/or approved by ADEQ.
5. Functions, and duties of ADEQ related to the following are NOT delegated:
  - a. Public water systems, wastewater, swimming pool facilities or Certificates of Approval for Sanitary Facilities for Subdivisions;
    - i. owned by the federal government or the State of Arizona;
    - ii. owned, operated or designed by or for the LA;
    - iii. owned or operated by districts subject to the control of the LA;
  - b. Those relating to facilities financed, either wholly or in part, with federal grant funds administered by ADEQ. ADEQ shall provide a list of such facilities to the LA.
  - c. Those related to the implementation of A.A.C. R18-9-A312(G) where:
    - i. the request is beyond the scope of the technologies delegated to the LA;
    - ii. the request proposes a change to the listed performance criteria or hydraulic loading rates specified in A.A.C. R18-9-E302 through R18-9-E323, A.A.C. R18-9-A309(E) or in any ADEQ approved design reference document;
    - iii. the request proposes a change to the relationship between soil absorption rate and either the percolation rate or the soil type, as established in A.A.C. R18-9-A312(D), except for adjustments due to the fraction of rock present in native soil;
    - iv. the request proposes a change to the relationship between the total coliform concentration, and the minimum vertical separation to the seasonal high water table or from a subsurface limiting condition, as established in A.A.C. R18-9-A312(E).
6. Although approval of any public water system, wastewater facility or swimming pool facility which is designed by or for the LA, or for a capital improvement project, is NOT delegated to the LA, this exception does not prohibit or otherwise affect later assignment or transfer to the LA of a public water system, wastewater facility or swimming pool facility having a construction completion approval issued by the LA, if the LA issues a construction completion approval before the owner of the private facility dedicates it to the LA. A private facility to be dedicated to the LA after completion of construction may be reviewed by the LA if all approvals and licenses are issued to the owner of the private facility prior to the date of the dedication to the LA. If the LA issues an initial construction authorization and a facility is later assigned or transferred to the LA before the LA issues a construction completion approval, the LA must obtain both new initial construction approval and construction completion approval from ADEQ.
7. Functions and Duties delegated to LA relating to Public Water Systems are limited to licensing decisions for issuance or denial of an ATC or AOC certificate for City of Tucson drinking water main line extensions and/or main line replacements (and associated appurtenances) projects.

8. ADEQ and LA agree to co-inspect wastewater facilities, where feasible, for training and coordination purposes.
9. For purposes of performing and reporting delegated Functions and Duties specified in Appendix A of this Agreement, the LA shall use forms provided by ADEQ. The LA may use other forms for the purposes of performing and reporting delegated Functions and Duties provided that the LA receives prior written approval from the Water Quality Division Director.
10. ADEQ shall maintain a list of proprietary and other reviewed products that may be used for on-site wastewater treatment facilities in accordance with A.A.C. R18-9-A309 (E) and retains the responsibility to receive and process all requests for product review in connection with this list.
11. For the purposes of determining project costs under this Agreement, project cost is determined by the sum of the following cost categories:
  - a. preparation of submittal quality design documents and related application documents for the project proposed for installation,
  - b. all equipment/components/materials delivered to the construction site,
  - c. all excavation & backfill,
  - d. all installation of equipment/components/materials, and
  - e. all tasks associated with pre-operational testing & startup.
12. Within 60 days after the effective date of this Agreement, the LA shall provide ADEQ copies of all existing LA written policies utilized by the LA to perform delegated Functions and Duties. The LA shall also provide ADEQ with copies of any new policies relating to the performance of delegated Functions and Duties within 30 days of the policy becoming final.

### **C. Personnel Qualifications:**

Subject to Subpart D of this Appendix, the Functions and Duties itemized in Subpart A of this Appendix shall be performed by individuals with specified minimum personnel qualifications. Where more than one personnel qualification category is shown in Subpart A of this Appendix, LA personnel performing the itemized Functions and Duties may qualify under any listed category, subject to the noted limitations.

Duties shall be performed by:

1. A Professional Engineer who is registered in the State of Arizona (equivalent of ADEQ Environmental Engineer position).
2. An individual who is an Engineer-in-Training candidate (A.A.C. R4-30-222, equivalent to the ADEQ Engineering Aide position), and who is directly supervised by a Professional Engineer registered in the State of Arizona.
3. A Registered Sanitarian who is registered in the State of Arizona has applicable experience or the equivalent of an ADEQ Environmental Program Specialist with applicable experience and who is directly supervised by or whose work is reviewed by a Professional Engineer registered in the State of Arizona.
4. An individual who is either an Engineer-in-Training candidate (A.A.C. R4-30-222, equivalent to the ADEQ Engineering Aide position) or a Sanitarian-In-Training (A.A.C. R9-16-402) and who has successfully completed 3 months training by either a Professional Engineer registered in the State of Arizona or a Registered Sanitarian registered in the State of Arizona.
5. A Registered Sanitarian who is registered in the State of Arizona.

**D. Standards of Performance:**

The LA shall comply with specified standards of performance for the Functions and Duties itemized in Subpart A of this Appendix. The following LA standards of performance apply to this Appendix:

1. General Provisions

1.1 The LA shall process applications to reach a licensing decision for delegated Functions and Duties itemized in Subpart A of this Appendix under the framework of A.A.C. R18-1-501 through 524, and within the applicable time frames specified in A.A.C. R18-1-525, Tables 5, and 10.

Permits	Authority	Overall Timeframe
<b>4.01 General Permit</b>	<b>A.R.S. § 49-245</b>	
300 services or less	A.A.C. R18-9-E301	95
More than 300 services	A.A.C. R18-9-E301	136
<b>4.02 – 4.23 General Permit</b>	<b>A.R.S. § 49-245</b>	
Standard Single 4.02, 4.03, 4.13, and 4.14 General Permits less than 3,000 gallons per day	A.A.C. R18-9-E302, A.A.C. R18-9-E303, A.A.C. R18-9-E313, A.A.C. R18-9-E314	73
Standard Combined Two or three Type 4 General Permits less than 3,000 gallons per day	A.A.C. R18-9-E302 through R18-9-E322	95
Complex Combined Four or more Type 4 General Permits less than 3,000 gallons per day	A.A.C. R18-9-E302 through R18-9-E322	136
4.23 General Permit	A.A.C. R18-9-E323	136
A312G Request, Each	A.A.C. R18-9-A312(G)	8
<b>Subdivision</b>	<b>A.R.S. § 49-104(B)(11)</b>	
Individual Facilities	A.A.C. R18-5-408	67
Community Facilities	A.A.C. R18-5-403	58
<b>Drinking Water ATC</b>	<b>A.R.S. § 49-353</b>	
Standard	A.A.C. R18-5-505	53
Complex	A.A.C. R18-5-505	83
<b>Drinking Water AOC</b>	<b>A.R.S. § 49-353</b>	
Standard	A.A.C. R18-5-507	53
Complex	A.A.C. R18-5-507	83
<b>Swimming Pool Water ATC</b>	<b>A.R.S. § 49-104(B)(12)</b>	
Standard	A.A.C. R18-5-203	52
Complex	A.A.C. R18-5-203	83
<b>Swimming Pool Water AOC</b>	<b>A.R.S. § 49-104(B)(12)</b>	
Standard	A.A.C. R18-5-204	52
Complex	A.A.C. R18-5-204	83

1.2 Accurate file records shall be maintained by the LA showing evidence of application processing and the licensing including date, basis and stipulations, if any, for all licenses issued or denied, including those prepared by or under the supervision of a Professional Engineer registered in the State of Arizona.

- 1.3 If the project reviewed by the LA involves disposal or discharge of wastewater to a water of the United States, the LA shall direct the applicant to ADEQ (or the U.S. Environmental Protection Agency) for any necessary permits.
- 1.4 The LA shall incorporate within 60 business days of notification the update for any form, procedure or practice applicable to the delegated program.

## 2. Public Water Systems

- 2.1 Compliance inspections of public water systems shall be performed at least once every three years, except that facilities using surface water supplies shall be inspected annually. Inspections shall cover facility operations and maintenance and compliance with applicable regulatory requirements including, but not limited to, monitoring, reporting, public notification, operator certification, plan approval and conformance with any existing compliance schedules.

### **E. Reporting Requirements:**

The LA shall report program information for Functions and Duties delegated to the LA as listed in Subpart A of this Appendix.

1. General Provisions. The LA shall submit monthly reports described in this Subpart. Reports shall be submitted on forms provided by ADEQ and shall be sent to ADEQ within fifteen calendar days after the end of the reporting period, preferably in electronic format. The LA shall send reports to:

Delegation Program Specialist  
Water Quality Division  
Arizona Department of Environmental Quality  
1110 West Washington Street  
Phoenix, AZ 85007  
delegations@azdeq.gov

2. Public Water Systems. The LA shall submit the following information:
  - a. Approvals to Construct issued.
  - b. Construction inspections performed.
  - c. Approvals of Construction issued.
  - d. Approvals to Construct and Approvals of Construction issued exceeding maximum licensing time frames.
  - e. Exception reports for Approvals which exceeded the maximum licensing time frame.
  - f. Appeals of LA decisions filed by applicants.
  - g. Compliance inspections performed
  - h. Complaints handled.
  - i. Safe Drinking Water Information System/State (SDWIS/State) inventory update forms.
3. Type 4 General Aquifer Protection Permits (On-site Wastewater Treatment Facilities and Sewage Collection Systems). The LA shall submit the following information:
  - a. The numbers for issued Discharge Authorizations and denied Discharge Authorizations for Type 4 General Permits delegated to the LA.
  - b. The number of issued Discharge Authorizations exceeding overall licensing time frames.

- c. Exception report for each Discharge Authorization which exceeded the overall licensing time frame.
  - d. The number of appeals of LA decisions filed by applicants and the disposition status for each appeal.
  - e. The numbers for alternative features approved pursuant to A.A.C. R18-9-A312(G) for the issued Discharge Authorizations and for the denied Discharge Authorizations reported in Paragraph 3.a of this Subpart.
  - f. The number of completed Notice of Transfer forms received.
4. Subdivisions. The LA shall submit information on the number and license category of Certificates of Approval for Sanitary Facilities for Subdivisions issued by the LA.
5. Public and Semipublic Swimming Pools and Spas. The LA shall submit the following information:
- a. Approvals to Construct issued.
  - b. Construction inspections performed.
  - c. Approvals of Construction issued.
  - d. Variances approved.
  - e. Appeals of LA decisions filed by applicants.
  - f. Compliance inspections performed
  - g. Complaints handled.
6. Enforcement Actions. A copy of each administrative, civil, or criminal action initiated under this Appendix.

**F. Agency Contact Persons:**

The following LA employees are responsible for administering the delegated Functions and Duties specified in this Appendix. The LA shall provide ADEQ written notice of any successor.

Name: Ursula Nelson  
 Title: Director  
 Address: Pima County Department of Environmental Quality  
 33 N. Stone Avenue, Suite 700  
 Tucson, AZ 85701

The following ADEQ employees are responsible for administering the Functions and Duties specified in this Appendix. ADEQ shall provide the LA written notice of any successor.

Approvals of Public Water Systems, Subdivisions, and Swimming Pools

Name: Daniel Czecholinski  
 Title: Manager, Drinking Water Section  
 Address: Arizona Department of Environmental Quality  
 1110 West Washington Street  
 Phoenix, AZ 85007

Approvals of On-Site Wastewater Treatment Facilities, Sewage Collection Systems, and Private Residential Gray Water

Name: Daniel Czecholinski  
Title: Manager, Drinking Water Section  
Address: Arizona Department of Environmental Quality  
1110 West Washington Street  
Phoenix, AZ 85007

Compliance and Enforcement

Name: Mindi Cross  
Title: Manager, Water Quality Compliance Section  
Address: Arizona Department of Environmental Quality  
1110 West Washington Street  
Phoenix, AZ 85007

The naming of a successor to any of the above-named individuals shall not require the execution of an amendment to this Agreement.

**Appendix B**  
**To**  
**Pima County Delegation Agreement**  
**#ADEQ16-127337**

**Solid Waste Management**

**A. DELEGATED FUNCTIONS AND DUTIES:**

The LA agrees to perform those delegated Functions and Duties that are indicated with a Yes in the first column of the following table: Applicable statutes, rules and Title 40 Code of Federal Regulations (CFR) include those that authorize or prohibit the described activities and those that are to be enforced during the conduct of those activities.

<b>Dele-gated?</b>	<b>Functions and Duties</b>	<b>Applicable Rules Statutes and CFRs</b>	<b>Personnel Qualifications</b>	<b>Stds. Of Performance</b>
Yes	1. Inspection of septic tank cleaners for ADEQ licensing <sup>1</sup>	A.R.S. §§ 49-141, 142; A.A.C. R18-13-1106, 1112, 1116, 1117	2 or 4	1
Yes	2. Inspection of refuse haulers <sup>2</sup>	A.R.S. §§ 49-141, 142; A.A.C. R18-13-304, 305, 306, 308, 309, 310, 311	2 or 4	2
Yes	3. Investigation of nuisance complaints, and enforcement to eliminate environmental nuisances	A.R.S. §§ 49-141, 142, 143,144; A.A.C. R18-13-303, 304	2 or 4	1 or 2
Yes	4. Investigation of, and enforcement to eliminate illegal disposal of solid waste except for waste more specifically described in Functions and Duties 5,6, 7, 8, and 9	A.R.S. §§ 49-701, 701.01, 791(A)(4); A.A.C. R18-13-303, 304, 307, 311	2 or 4	2
No	5. Investigation of and enforcement to eliminate illegal waste tire storage and disposal	A.R.S. §§ 44-1301, 1304, 1304.01, 1307	2 or 4	N/A
Yes	6. Investigation of and enforcement to eliminate used oil disposal to land	A.R.S. §§ 49-801, 803, 811, 812; Title 40 CFR § 279.1	2 or 4	N/A



Dele-gated?	Functions and Duties	Applicable Rules Statutes and CFRs	Personnel Qualifications	Stds. Of Performance
No	7. Investigation and enforcement of used oil generators for compliance with storage, labeling, and release response requirements	A.R.S. §§ 49-801, 802.C.1, 811, 812; Title 40 CFR §§ 279.1, 279.22	2 or 4	N/A
No	8. Investigation of and enforcement to eliminate illegal disposal of lead acid batteries and unregistered collection sites	A.R.S. §§ 44-1321, 1322, 1324	2 or 4	N/A
No	9. Inspection and registration of lead acid battery collection and recycling facilities	A.R.S. §§ 44-1321, 1322, 1324	2 or 4	N/A
No	10. Inspection of agricultural solid waste landfills operated by persons engaged in farming or ranching on at least 40 acres in an unincorporated area	A.R.S. § 49-766(B); A.A.C. R18-13-304, 311	2 or 4	N/A
No	11. Inspection of landfills for the disposal of solid waste resulting from residents' household activities at single family residences located on a farm or ranch of more than 40 acres in an unincorporated area	A.R.S. § 49-766(A); A.A.C. R18-13-304, 311	2 or 4	N/A
Yes	12. Approval of solid waste collection and disposal provisions for new subdivisions	A.A.C. R18-5-409, R18-13-305, 311, 312	1, 3, or 4	N/A
Yes	13. Granting of refuse collection frequency variances for all commercial accounts and for residential areas, except the City of Tucson	A.A.C. R18-13-308(B)	1 or 4	N/A

Dele- gated?	Functions and Duties	Applicable Rules Statutes and CFRs	Personnel Qualifications	Stds. Of Performance
No	14. Inspection of any other solid waste storage, treatment, processing or disposal facility other than solid waste landfills	A.R.S. § 49-762.07(F)	2, 3, or 4	N/A
No	15. Inspection of biohazardous medical waste transporters for ADEQ registration	A.R.S. §§ 49-761(D), 768; A.A.C. R18-13-1401, 1402, 1403, 1404, 1409	2 or 4	N/A

<sup>1</sup>The purpose of this delegation is to recognize county inspections as valid for the purpose of issuance of ADEQ septic licenses, and to ensure that inspections of septic haulers are conducted at least annually.

<sup>2</sup>The inclusion of this Function in this Appendix to the Agreement is only to act as a formal process by which the county agrees to be responsible for inspection of refuse haulers and for ADEQ to ensure such inspections are conducted at least annually.

**B. EXCEPTIONS AND SPECIAL PROVISIONS:**

1. ADEQ retains authority for approval and issuance of solid waste facility plans for all municipal solid waste landfills and for all solid waste landfills other than municipal solid waste landfills.
2. ADEQ retains responsibility for the administration and enforcement of all solid waste facilities that are operated by federal, state, county or municipal agencies.
3. ADEQ retains authority to inspect and permit City of Tucson refuse hauling vehicles.
4. The LA shall retain all civil penalties assessed and collected pursuant to Subpart A of this Appendix.
5. The LA agrees, to the extent practicable, to conduct compliance and enforcement actions according to ADEQ policy.

### **C. PERSONNEL QUALIFICATIONS:**

The following minimum personnel qualifications shall apply to personnel performing the delegated Functions and Duties listed in Subpart A of this Appendix:

1. Duties shall be performed by a Registered Sanitarian registered in the State of Arizona;
2. Duties shall be performed by or under the direction of a Registered Sanitarian registered in the State of Arizona;
3. Duties shall be performed by or under the direct supervision of a Professional Engineer registered in the State of Arizona; or
4. Duties shall be performed by personnel with training and experience equivalent to ADEQ's Environmental Scientist and Specialist series and under the direct supervision of personnel with training and experience equivalent to ADEQ's Environmental Program Manager or Program Supervisor.

### **D. STANDARDS OF PERFORMANCE:**

The following standards of performance apply to the delegated Functions and Duties listed on Subpart A of this Appendix:

1. The LA shall administer and enforce the health and sanitation requirements pertaining to human excreta contained in A.A.C. R18-13-1112 through 1117 with the following stipulations:
  - a. Any burial site or open dump site for human excreta approved by the LA in accordance with A.A.C. R18-13-1112 (A) and (B), that is used more than once, shall be considered a solid waste disposal facility and must first submit a solid waste facility plan to ADEQ pursuant to A.R.S. § 49-762.
  - b. The LA shall conduct annual inspections and issue permits for all vehicles used for the storage, collection, transportation or disposal of human excreta.
2. The LA shall administer and enforce the health and sanitation requirements contained in A.A.C. R18-13-301 *et seq.*, and the environmental nuisance requirements contained in A.R.S. §§ 49-141 through 49-144 with the following stipulations and exceptions:
  - a. The LA shall annually inspect all vehicles (excluding private passenger cars and pick-ups), that are routinely used to haul waste.

- b. ADEQ shall only grant variances from the garbage collection frequency for all commercial accounts and residential units within the city limits of the City of Tucson upon receipt of a plan approved by the LA, in accordance with A.A.C. R18-13-308(B).
3. The LA shall administer and enforce the requirements specified in A.A.C. R18-5-409 pertaining to solid waste disposal from new subdivisions. ADEQ shall furnish the LA with a current list of approved disposal facilities and keep the list updated in a timely manner. The LA shall only approve subdivisions that utilize a facility on ADEQ's approved list.

**E. REPORTING REQUIREMENTS:**

1. The LA shall report to ADEQ annually on any solid waste inspections conducted, and enforcement actions, initiated or concluded (including Notices of Opportunity to Correct, Notices of Violation, Orders), by submitting a list of each administrative, civil, or criminal action initiated under this Agreement to the ADEQ Agency Contact person for Solid Waste, listed in Subpart F of this Appendix.
2. LA shall annually report to ADEQ by January 31<sup>st</sup>, the following delegated solid waste Functions and Duties for the previous calendar year in accordance with Subpart A of this Appendix:
  - a. A list of all septic tank cleaners under county permit and a list of all disposal sites approved by LA for one time disposal of such wastes, pursuant to A.A.C. R18-13-1112(A) and (B). The LA shall provide a list of all inspections of septic tank cleaners conducted, including the dates the inspections were conducted.
  - b. A list of all refuse haulers under county permit. The LA shall provide the names of refuse haulers inspected and the date(s) of inspection.
  - c. The LA shall report the following information:
    - 1) The number of nuisance complaints received;
    - 2) The name of facility/site(s) inspected and the date(s) of nuisance complaint investigations;
    - 3) The number of inspections revealing the presence of an environmental nuisance;
    - 4) The date and nature of enforcement actions taken if applicable; and
    - 5) The date violations were corrected, if applicable.
  - d. The LA shall report the following information:
    - 1) The number of complaints received alleging the illegal disposal of solid waste;

- 2) The name of facility/site(s) and date(s) inspected to investigate allegations of illegal solid waste disposal;
  - 3) The number of inspections and the name of facility/site(s) that revealed illegal disposal of solid waste;
  - 4) The date and nature of enforcement action taken if applicable; and
  - 5) The date violations were corrected, if applicable.
- e. The LA shall report the following information:
- 1) The name and location of all sites that have applied for approval of solid waste collection and disposal services for a new subdivision; and
  - 2) The name and location of all sites for which approval of solid waste collection and disposal services for a new subdivision have been issued.
- f. The LA shall report the following information:
- (1) The name of the entity to whom the garbage collection frequency variance was granted and the date of issuance; and
  - (2) The documentation provided by the applicant or the LA that the variance would not result in a public health hazard or nuisance, and that fly breeding would be controlled by either biological, chemical or mechanical means.

**F. AGENCY CONTACT PERSONS:**

The following LA employee is responsible for administering the delegated Functions and Duties pursuant to this Appendix. The LA shall provide written notice to ADEQ of any successor.

Name: Ursula Nelson  
Title: Director  
Address: Pima County Department of Environmental Quality  
33 North Stone Avenue Suite 700  
Tucson, AZ 85701  
Email: Ursula.Nelson@pima.gov

The following ADEQ employee is responsible for administering the delegated Functions and Duties pursuant to this Appendix. ADEQ shall provide written notice to the LA of any successor.

Name: Pamela Nicola  
Title: Manager, Inspections & Compliance Section  
Address: Waste Programs Division  
Arizona Department of Environmental Quality  
1110 West Washington Street

Phoenix, AZ 85007  
Email: pn2@azdeq.gov

The naming of a successor to any of the above-named individuals shall not require the re-execution of or an amendment to this Agreement.

**APPENDIX C**  
**To**  
**Pima County Delegation Agreement**  
**#ADEQ16-127337**

**HAZARDOUS WASTE GENERATORS**

**A. DELEGATED FUNCTIONS AND DUTIES:**

The LA agrees to perform those Functions and Duties related to Hazardous Waste Generators (HWGs) and hazardous waste facilities as indicated in the following table. Applicable rules, statutes, and 40 Code of Federal Regulations (CFR) include both those that authorize or prohibit the described activities and those that are to be enforced during the conduct of those activities.

<b>Delegated</b>	<b>Functions and Duties</b>	<b>Applicable Statutes, Rules and CFRs</b>	<b>Personnel Qualifications</b>	<b>Standards of Performance</b>
Yes	1. Registration of hazardous waste generators	A.R.S. § 49-929	1	2(b)
No	2. Registration of hazardous waste transporters	A.R.S. § 49-929	N/A	N/A
No	3. Registration of hazardous waste treatment, storage, and disposal facilities	A.R.S. § 49-929	N/A	N/A
Yes	4. Inspection of hazardous waste generators	A.R.S. § 49-922; A.A.C R18-8-262; 40 CFR Part 262	1, 2, 3	1, 2
No	5. Inspection of hazardous waste transporters	A.R.S. § 49-922; A.A.C R18-8-263; 40 CFR Part 263	N/A	N/A
No	6. Inspection of hazardous waste treatment, storage, and disposal facilities	A.R.S. § 49-922; A.A.C R18-8-264, 265; 40 CFR Parts 264, 265	N/A	N/A
No	7. Inspection of generator facilities owned by LA, City of Tucson, State of Arizona, or the federal government	A.R.S. § 49-922; A.A.C R18-8-262; 40 CFR Part 262	N/A	N/A
No	8. Site assessment plan requests, reviews and implementation	A.R.S. § 49-922; A.A.C R18-8-280	N/A	N/A
Yes	9. Investigation of generators to eliminate illegal treatment, storage or disposal of hazardous waste	A.R.S. § 49-922 and 923	1, 2, 3	1, 2
Yes	10. Enforcement of generators to eliminate illegal treatment, storage or disposal of hazardous waste	A.R.S. § 49-922 and 923	1, 2, 3	1, 2
Yes	11. Inspection of hazardous waste generators generating universal waste	A.R.S. § 49-922; A.A.C R18-8-273; 40 CFR Part 273	1, 2, 3	1, 2

## **B. EXCEPTIONS AND SPECIAL PROVISIONS**

1. LA shall develop and update annually a report of Large Quantity Generators (LQGs) and Small Quantity Generators (SQGs). LA shall provide the report to ADEQ.
2. LA shall notify ADEQ of the identity of facilities that the LA knows or suspects to be a hazardous waste recycler, transporter, or permitted treatment, storage or disposal facility (TSD).
3. If the City of Tucson, during the effective period of this Agreement, receives Hazardous Waste delegation from ADEQ, upon the effective date of the delegation agreement between the City of Tucson and ADEQ, the geographic area of delegation under this Agreement for Pima County shall be Pima County outside the Tucson city limits.
4. ADEQ shall provide to LA copies of new rules and regulatory interpretations relevant to LA's delegated authority.
5. LA shall submit inspection results to ADEQ when required by this Agreement and as requested by ADEQ.
6. Coordination meetings between LA and ADEQ shall be held as needed.
7. ADEQ shall enter information submitted by LA under this Agreement into the RCRA Info and AZURITE databases and provide to LA reports from the database of inspection, compliance and enforcement activities related to this Agreement upon request.

## **C. PERSONNEL QUALIFICATIONS**

1. Any applicable requirements of the Arizona State Board of Technical Registration shall be observed by LA.
2. All persons conducting field work involving routine inspections, response to complaints, or illegal disposal of hazardous wastes shall be trained and conduct activities in compliance with requirements of 29 CFR 1910.120.
3. Personnel performing the Functions and Duties listed in Subpart A of this Appendix, at a minimum, shall have at least two of the following qualifications:
  - a. Four year college degree from an accredited institution with an emphasis in fields such as the physical sciences, geology, chemistry, biology, and environmental health.
  - b. Prior work experience.
  - c. EPA or ADEQ-endorsed hazardous waste regulation training.
  - d. Continuing on-the-job training related to hazardous waste regulation.



## **D. STANDARDS OF PERFORMANCE**

The following standards of performance apply, as indicated, to the Functions and Duties listed in Subpart A of this Appendix.

1. Inspections
  - a. LA shall inspect HWGs to ensure compliance with state laws applicable to HWGs. LA shall ensure regulatory interpretations and performance standards applied under this Agreement are in conformance with the policies and practices of ADEQ.
  - b. LA shall inspect twenty percent (20%) of the registered LQGs annually. LA shall prioritize these inspections using the following criteria: date of last inspection, history of non-compliance, and number of complaints received.
  - c. Complaints received by LA that involve spills or discharges of hazardous waste or imminent and substantial hazards to human health or the environment shall be handled within one (1) calendar day, and all other complaints shall be handled within five (5) business days.
  
2. Registration and Inspection Reports
  - a. LA shall prepare the following types of reports after an inspection, in accordance with the Compliance and Enforcement Handbook: standard inspection report, Notice of Violation (NOV), Notice of Opportunity to Correct (NOC), order.
  - b. Any hazardous waste facility registration and fee program implemented by LA shall not replace and shall be in addition to the hazardous waste registration and fee program implemented by ADEQ under A.R.S. §§ 49-929 through 932.
  - c. LA shall use ADEQ-approved inspection form(s) or shall use a form that includes the following information:
    - i. Determination of types and amounts of waste generated;
    - ii. Generation, storage, treatment and disposal activities;
    - iii. Classification of type of HWG;
    - iv. Containment and labeling requirements;
    - v. Applicable record-keeping requirements including manifests, EPA ID numbers, MSDSs, self-inspection logs and other required reports;
    - vi. Applicable required emergency planning and preparedness activities; and
    - vii. Summary of violations and suggested compliance and enforcement actions to correct violations.

## **E. REPORTING REQUIREMENTS**

1. LA's information under Subpart B, Paragraph 1 of this Appendix shall be updated as each report is submitted to ADEQ.
2. The LA shall submit the ADEQ ICE Data Entry Form for each active case where reportable actions have occurred to the agency no less than once each calendar month. This submission may be made by mail or e-mail.
3. The LA shall submit quarterly reports to the Agency Contact person identified in Subpart

F of this Appendix: The quarterly report shall include the following information:

- a. Quarterly Statistics: A list of all inspections conducted for the quarter.
- b. New Inspections and Status of Previous Inspections:
  - i. A list of all HWGs inspected, in alphabetical order.
  - ii. Whether the inspection was complaint-based or routine.
  - iii. Generator status.
  - iv. Complete address and EPA ID number of HWG.
  - v. Inspection date for all inspections.
  - vi. Status of the case (i.e., closed, pending action, etc.).
- c. Registered Generators: A list of all registered HWGs for Pima County.
- d. Inspection Reports and NOV/NOCs:
  - i. A copy of all inspection reports, NOVs, NOCs in alphabetical order by HWG.
  - ii. All correspondence organized by and related to each HWG.
- e. Formal Enforcement:
  - i. A list of HWGs for which administrative orders and civil or criminal actions were issued by LA under this Agreement during the quarter.
  - ii. A copy of each administrative or civil order issued under this Agreement during the quarter.

#### **F. AGENCY CONTACT PERSONS**

The following LA employee is responsible for administering the delegated Functions and Duties specified in this Appendix. The LA shall provide written notice of any successor.

Name: Ursula Nelson  
Title: Director  
Pima County Department of Environmental Quality  
Address: 33 North Stone Avenue, Suite 700  
Tucson, Arizona 85701

The following ADEQ employee is responsible for administering the Functions and Duties specified in this Appendix. The ADEQ shall provide written notice of any successor.

Name: Pamela Nicola  
Title: Manager  
Inspections and Compliance Section  
Waste Programs Division  
Address: Arizona Department of Environmental Quality  
1110 W. Washington Street  
Phoenix, Arizona 85007

The name of a successor to either of the above-named individuals shall not require the execution of an amendment to this Agreement.

**Signature Page for Pima County  
Delegation Agreement # ADEQ16-127337**

**Pima County Department of  
Environmental Quality**

**Arizona Department of  
Environmental Quality**

Ursula K. Nelson 7.7.2016  
Ursula Nelson Date  
Director

Misael Cabrera 9/7/16  
Misael Cabrera Date  
Director

**Pima County Health Department**

Francisco Garcia, MD, MPH 16 July 16  
Francisco Garcia, MD, MPH  
Director

Duly approved by the County Board of Supervisors on the 15 day of August  
2016, in accordance with its authority.

**County Board of Supervisors**

Sharon Bronson AUG 15 2016  
Sharon Bronson Date  
Chair

**Attest:**

Robin Bruggida 15 2016  
Robin Bruggida Date  
Clerk of the Board

Pursuant to A.R.S. §§ 11-201(A)(3), 49-107, and ~~49~~<sup>41</sup>1081 the foregoing Agreement has been reviewed by the undersigned attorneys for the Pima County Department of Environmental Quality and the Pima County Health Department and the Arizona Department of Environmental Quality, who have determined that this Agreement is in proper form and is within the powers and authority granted under Arizona law to their respective agencies.

[Signature] 7/6/16  
County Attorney Date

[Signature] 9/4/16  
Arizona Assistant Attorney General Date



33 N. Stone, Suite 700  
Tucson, Arizona 85701-1429  
[www.pima.gov/deq](http://www.pima.gov/deq)

Ursula Kramer Nelson, P.E.  
Director

(520) 724-7400  
FAX (520) 838-7432

September 14, 2020

Laura Malone, Director  
Waste Programs  
Arizona Department of Environmental Quality  
1110 W. Washington St.  
Phoenix, AZ 85007

Via Email to: [llm@azdeq.gov](mailto:llm@azdeq.gov)

Re: Hazardous Waste Inspection Data Entry

Dear Ms. Malone:

The Pima County Department of Environmental Quality (PDEQ) and Arizona Department of Environmental Quality (ADEQ) are in the process of updating the delegation agreement between the two agencies. This process is part of a larger project where ADEQ is updating delegation agreements with other counties and various ADEQ programs. The negotiations between ADEQ and all of the counties are a lengthy process and are not anticipated to be completed for some time.

In order to quickly improve data management before the delegation agreement is formally amended, PDEQ has agreed to begin entering Hazardous Waste inspection data into the EPA RCRAInfo system. PDEQ understands that Page 2, Paragraph (B)(7) of the delegation agreement will be updated in the future to reflect this change. This activity is beneficial to both ADEQ and PDEQ by increasing efficiencies in entering data directly into the EPA system.

If you concur with this approach, PDEQ and ADEQ staff will work cooperatively to ensure proper system access will occur, and PDEQ staff will be trained on the process to ensure the accuracy of the data in the system.

Laura Malone  
Re: Hazardous Waste Inspection Data Entry  
September 14, 2020  
Page 2

Please feel free to contact me at (520) 724-7454 or Jennifer Lynch at (520) 724-7323 if you have any questions or need additional information.

Sincerely,

*Ursula K. Nelson*

Ursula K. Nelson  
Director

c: Sowjanya Chintalapati, Deputy Director, ADEQ Waste Programs  
Richard Grimaldi, Deputy Director, PDEQ  
Jennifer Lynch, Manager, Waste & Water Program, PDEQ  
Laurie Schmutz, Manager, Hazardous Waste Permits & Support Unit, ADEQ

**Appendix D**  
**Memorandum of Agreement between ADEQ and EPA**  
**July 2017**

**MEMORANDUM OF AGREEMENT  
BETWEEN  
THE ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY AND  
THE U. S. ENVIRONMENTAL PROTECTION AGENCY  
FOR THE RCRA HAZARDOUS WASTE PROGRAM**

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## **I. PURPOSE AND SCOPE**

This Memorandum of Agreement (“Agreement”) is entered by the Director of the State of Arizona Department of Environmental Quality (“Director” or “the State”) and the Directors of the Land and Enforcement Divisions, U.S. Environmental Protection Agency Region 9 (“Directors” or “the EPA”). This Agreement establishes policies, responsibilities, and procedures pursuant to 40 CFR 271.8 for the Hazardous Waste Program for the State of Arizona (“State Program”). The State Program is authorized under Section 3006 of the Resource Conservation and Recovery Act (RCRA) of 1976 (42 USC 6901 et seq.), as amended (Public Laws 94-580, 96-482, 98-616; “RCRA” or “the Act”).

This Agreement sets forth the manner in which the State and the EPA will coordinate in the State’s administration and enforcement of the State Program and the EPA’s administration of provisions of the Hazardous and Solid Waste Amendments of 1984 (HSWA) and federal regulations adopted under HSWA authority that are not part of the authorized State Program. Except as otherwise noted, for purposes of this Agreement, references to “RCRA” and “the Act” include HSWA (P.L. 98-616).

The EPA and the State will review the Agreement jointly to determine whether revisions are needed during preparation of the RCRA section 301 Hazardous Waste Management State Program Support Grant, during the State’s preparation of an application for authorization under 40 CFR Part 271 and RCRA section 3006, and at other times as appropriate. This Agreement may be modified upon the initiative of either party in order to ensure consistency with state program modifications made or for any other purpose mutually agreed upon. Any revisions or modifications to this Agreement must be in writing and must be signed by the State Director and the EPA Directors.

This Agreement supersedes all previous Memoranda of Agreement/Understanding related to the State Program through the most recent Agreement between the EPA and the State signed September 2, 1999. This Agreement shall become effective on the date when signed by the last party to the agreement. This Agreement shall remain in effect as long as the State Program’s authorization remains in effect or until superseded.

## **II. ROLES, RESPONSIBILITIES, AND AUTHORITIES**

### **A. General**

Each of the parties to this Agreement is responsible for ensuring that its obligations under RCRA are met. Nothing in this Agreement shall be construed to restrict in any way the EPA’s authority to fulfill its program administration, oversight, and enforcement responsibilities under RCRA. Nothing in this Agreement shall be construed to contravene any provision of 40 CFR Parts 270 or 271. This Agreement shall not be construed as a release, waiver, or limitation of any obligations, rights, defenses, remedies, powers, or authorities, civil or criminal, which the State has under local, state, or federal law.

## **B. The State**

Upon granting of final authorization by the EPA on November 20, 1985, the State assumed primary responsibility for implementing the authorized provisions of the RCRA hazardous waste program within its boundaries. The EPA retains its responsibility to ensure full and faithful execution of the requirements of RCRA, including direct implementation of HSWA in the event the State is not authorized to act. The State and the EPA agree to maintain a high level of cooperation and coordination between their respective staffs to ensure successful and effective administration of the authorized State Program. The State agrees to adopt and seek authorization for changes in the federal program that the State is required to adopt.

## **C. The EPA**

Section 3006(g) of RCRA provides that, with the exception of section 3006(f) of RCRA, hazardous waste requirements and prohibitions promulgated pursuant to the HSWA are applicable in authorized states at the same time that they are applicable in unauthorized states. While the EPA retains responsibility for the direct implementation of those provisions of HSWA and regulations adopted pursuant to the HSWA authority which the State is not authorized to implement, it is the intention of the EPA and the State to coordinate the implementation of such provisions to the greatest degree possible. The EPA retains its authority to independently conduct inspections of and initiate enforcement actions against regulated entities within the State, but must enforce the federally-authorized state rules for violations of the authorized State Program.

The EPA will oversee implementation of the authorized State Program in order to ensure full execution of the requirements of RCRA, to promote national consistency in implementation of the hazardous waste program, and to allow the EPA to report to the President and Congress on the achievements of the hazardous waste program. Oversight will be accomplished by the EPA through written reporting requirements, permit oversight, compliance and enforcement oversight, and an annual review of the State Program.

## **D. Delegation**

The State Director and the EPA Directors may delegate any of the duties established by this agreement in accordance with their legal authorities.

# **III. JOINT POLICY STATEMENTS**

## **A. Data Quality**

The EPA and the State agree to take steps to ensure that data used to make decisions are of acceptable quality regardless of whether the data were generated by the EPA, the State, other agencies, or regulated facilities. The State agrees to implement the approved Quality Assurance Program Plan (QAPrP) entitled, "ADEQ Hazardous Waste Program Quality Assurance Program Plan" approved by the EPA on January 12, 2015, or any subsequent version of the EPA-approved QAPrP that replaces it.

The State agrees to keep its QAPrP current and inform the project officer of significant changes so that s/he can decide whether a more formal evaluation of the changes involving the EPA review is necessary. The QAPrP will be reviewed annually by the State Program's quality assurance officer to determine if revisions are necessary and reported to the EPA project officer in the grant workplan progress report. Every five years, the State will evaluate the QAPrP and submit the result of their evaluation to the EPA project officer. Using the State's evaluation, the EPA project officer will work with the EPA Quality Assurance (QA) Manager to determine if the document still meets current EPA QA and Program requirements.

#### **B. National, Regional, and State Initiatives**

The EPA will discuss national and regional initiatives with the State and offer the State the "right of first refusal" to implement them. If the State chooses not to implement a national or regional initiative, or fails to implement the initiative within an agreed-upon time frame, the State agrees to be responsive to the EPA's requests for information necessary for the EPA to implement the initiative.

The State will discuss state initiatives with the EPA. If a state initiative contributes to the implementation of the RCRA program, the EPA agrees to be responsive to the State's requests for information necessary for the State to implement the initiative, and to consider assisting the State in implementing the initiative, as requested by the State.

#### **C. Pollution Prevention**

The Pollution Prevention Act of 1990 (PPA) encourages source reduction of pollution and the efficient use of resources. There are significant opportunities for industry to reduce or prevent pollution at the source through cost-effective changes in production, operation, and raw materials use. Source reduction occurs prior to recycling, treatment or disposal and is fundamentally different and more desirable. Pollution prevention also includes practices that increase efficiency in the use of energy, water, or other natural resources, and protect our resource base through conservation.

### **IV. STATE PROGRAM REVIEW**

#### **A. General**

The EPA Land Division Director with assistance from the EPA Enforcement Division Director, will assess the State administration and enforcement of the hazardous waste program on a continuing basis for equivalence and consistency with RCRA, this Agreement, and all applicable federal requirements and policies, and for adequacy of enforcement. The EPA will conduct this assessment by reviewing State data entered in RCRAInfo (see section V.H. below) and information submitted by the State in accordance with this Agreement and the state grant workplan (see section IV.C. below), permit and corrective action oversight, compliance and enforcement oversight, and annual review of State Program activities.

The EPA may also consider, as part of this regular assessment, written comments about the State's program administration and enforcement that are received from regulated persons, the public, and federal, State, and local agencies. Copies of any such comments received by the EPA will be provided to the State.

To ensure effective program review, the State agrees to allow the EPA access to all files and other information requested by the EPA Division Directors or their designees and deemed necessary by the EPA for reviewing State Program administration and enforcement.

Review of state files may be scheduled at quarterly intervals. Program review meetings between the State and the EPA Directors or their assignees will be scheduled at reasonable intervals, not less than annually, to review specific operating procedures and schedules, to resolve problems, and to discuss mutual program concerns. These meetings will be scheduled at least fifteen days in advance unless mutually agreed to differently. A tentative agenda for the meeting will be prepared by the EPA.

The State Program's compliance and enforcement effectiveness will also be reviewed by the EPA under the State Review Framework (SRF) process once every five years. The EPA completed SRF Round 3 (2013-2017) during Summer 2015 and released the final report July 29, 2015.

#### **B. Identification of Priority Activities**

The State and the EPA agree to develop criteria for priority activities, including activities regarding handlers of hazardous waste, on an annual basis as a part of the state grant workplan (see section IV.C. below). These criteria will be based on guidance issued by the EPA and state specific concerns, and will serve to identify those activities which should receive the highest priority during the grant period.

Examples of activities which will be considered high priority will include, but not be limited to, facilities to be inspected, facilities to be permitted, and enforcement against facilities with known or suspected groundwater contamination.

#### **C. State Grant Workplan Accountability**

The EPA awards Hazardous Waste Management State Program Support grants to assist states in the development and implementation of authorized state hazardous waste management programs. The amount allocated is based on the extent that hazardous waste is generated, transported, treated, stored, and disposed in the state, the extent that human health and the environment in the state are exposed to such waste, and other appropriate factors as determined by the EPA.

This section describes how the EPA and the State will negotiate the State Grant Workplan components and expected commitments and how performance under the grant will be measured. Applications for grants must meet the requirements of 2 CFR 200 and the applicable requirements of 40 CFR Part 35, including a proposed workplan pursuant to 40 CFR section

35.107, and must specify the amount of funding requested.

The State Grant Workplan reflects considerations of national, regional, and State environmental and programmatic needs and priorities. State Grant Workplan negotiations will also consider other factors, such as: National Program Guidance; any regional supplemental guidance; goals, objectives, and priorities proposed by the State; other jointly identified needs or priorities; and the planning targets.

(1) Workplan Components

The State Grant Workplan is the basis for management and evaluation of the State's performance under the Grant Agreement. A State Grant Workplan must clearly specify the following, as stated in 40 CFR section 35.107(b)(2):

- (a) The Workplan components to be funded under the grant;
- (b) Estimated work years and the estimated funding amounts for each Workplan component;
- (c) The Workplan commitments for each Workplan component and a time frame for their accomplishment;
- (d) A performance evaluation process and reporting schedule in accordance with 40 CFR section 35.115; and
- (e) The roles and responsibilities of the recipient and the EPA in carrying out the Workplan commitments.

(2) Criteria for Approving a Grant Application

Under 40 CFR section 35.111, the EPA may approve an application upon determining that:

- (a) The application meets the requirements of 2 CFR 200 and 40 CFR Part 35, subpart A;
- (b) The application meets the requirements of all applicable federal statutes, regulations, circulars, executive orders, and delegations, approvals, or authorizations;
- (c) The State Grant Workplan complies with the requirements of 40 CFR section 35.107; and
- (d) The achievement of the proposed State Grant Workplan is feasible considering such factors as the applicant's existing circumstances, past performance, program authority, organization, resources, and procedures.

If the application does not satisfy the above criteria, the EPA may conditionally approve the application if only minor changes are necessary. Otherwise, the EPA will disapprove the application in writing.

(3) Changes after Approval

Significant changes to the State Grant Workplan require prior approval in writing as explained in 40 CFR section 35.114. These changes, along with the corresponding budgeted amounts, must be documented in writing. Requests for increases in grant amounts must be in writing. Implementation of changes should only begin after the EPA approval in writing is received; otherwise such changes are done at the State's own risk.

(4) Performance Evaluation

State Grant Workplan negotiation also requires that the EPA and the State jointly develop a process for evaluating and reporting progress and accomplishments under the State Grant Workplan. The evaluation process and reporting schedule must be described in the State Grant Workplan in accordance with 40 CFR section 35.115. The evaluation process must include:

- (a) A discussion of accomplishments as measured against State Grant Workplan commitments;
- (b) A discussion of the cumulative effectiveness of work performed under all State Grant Workplan components;
- (c) A discussion of existing and potential problem areas; and
- (d) Suggestions for improvement, including, where feasible, a schedule for making the improvements.

Evaluations will be performed in accordance with an evaluation and reporting process schedule negotiated in the State Grant Workplan. Copies of the evaluation report will be made available to the State. Where the evaluation reveals that the State has not made sufficient progress under the State Grant Workplan, the EPA and the State will negotiate a resolution to the issues. If the issues cannot be resolved through negotiation, the EPA may take action under 2 CFR section 200.338. The State may request review of this action under 2 CFR section 200.341.

## **V. INFORMATION MANAGEMENT AND SHARING**

### **A. General**

This section covers information sharing on miscellaneous elements of the RCRA program. Additional specific information sharing requirements for major program elements are covered in sections VI (Permits), VII (Corrective Action), and VIII (Compliance Monitoring and Enforcement). As the respective information needs of the State and the EPA evolve, changes to

this section of the Agreement may be appropriate. During the reviews of this Agreement, the State and the EPA will carefully examine the following information sharing provisions to determine if revisions are necessary.

- (1) The EPA will keep the State informed of the content and meaning of federal statutes, regulations, guidelines, standards, policy decisions, directives, and any other factors that affect the State Program; provide general technical guidance to the State; and will share with the State any national reports developed by the EPA from the data submitted through State reporting requirements.
- (2) The EPA will make available to the State other relevant information, as requested, which the State needs to implement its approved program. Information provided to the State will be subject to the terms of 40 CFR Part 2.
- (3) The State agrees to inform the EPA of any proposed program changes that would affect the State's ability to implement the authorized program with as much advance notice as possible. Program changes of concern include modification of the State's legal authorities (i.e., statutes, regulations, and judicial or legislative actions affecting those authorities), modifications of Memoranda of Agreement/Understanding with other agencies, modifications of resource levels (i.e., available or budgeted personnel and funds) and personnel changes that would impact the State's ability to carry out the program. Relevant program changes also include legal changes that could affect compliance monitoring and enforcement, such as privileges and immunities laws. The State recognizes that program revisions must be made in accordance with the provisions of 40 CFR 271.21 and that, until approved by the EPA, revisions are not authorized as RCRA Subtitle C requirements. The EPA agrees to support the state with timely review of proposed state legislation that might have a significant potential to affect the authorized State Program.
- (4) The State agrees to provide any pertinent information requested by the Director or his or her designee within a mutually agreed upon time frame, as necessary for the EPA to carry out its oversight responsibilities. Unless otherwise agreed upon, the above information shall be sent to the EPA RCRA project officer for the state.
- (5) Annually, through development of the State Grant Workplan, the EPA and the State will agree on the type and frequency of reports the State will make in order for the EPA to maintain oversight of the implementation of the State's authorized program. Details regarding the type and frequency of reports are specified in the Workplan. Such reporting shall include, but not be limited to, the following:
  - (a) Compliance monitoring and enforcement information;
  - (b) Information indicating the status of the State's permitting, closure, post closure, facility financial assurance, groundwater monitoring, and corrective action activities; and

- (c) Various reports designed to accurately describe the status of the State's authorized program including biennial reports summarizing the quantities and types of hazardous waste generated, transported, treated, stored, and disposed in the State.
- (6) Upon request, the State will provide the EPA with a copy of any decisions regarding requests made by hazardous waste handlers to change their classifications (e.g., requests to be deleted as generators but to retain facility status) and facility requests to make on-site changes prior to permit issuance (e.g., requests to handle additional wastes not identified on the facility's original notification and RCRA Part A permit application).
- (7) The State agrees to provide to the EPA the reports required under 40 CFR 270.5.

#### **B. Site Visits**

The EPA is responsible for maintaining reliable national data on hazardous waste management. This data is used to report to the President and Congress on the achievements of the hazardous waste program and to support the EPA's regulatory development efforts. Whenever the EPA determines that it needs to obtain certain information, the EPA will first seek to gain this information from the States. The State agrees to supply the EPA with this information if readily available and as resources allow. If the State is unable to provide the information or if it is necessary to supplement the State information, the EPA may conduct a special survey or perform information collection site visits after notifying the State (normally with at least seven days advance notice) and inviting the State to participate in the site visits. The EPA will share with the State any reports developed by the EPA as a result of such information collection.

#### **C. Emergency Situations**

The EPA requires that the person or organization responsible for a release or spill notify the federal government by calling the *National Response Center* at 1 (800) 424-8802 when the amount reaches a federally-determined limit. The EPA has established reporting requirements for hazardous substance releases and oil spills to identify when the federal government should be notified. National Response Center information is available on the EPA's website at: <https://www.epa.gov/emergency-response/national-response-center>.

ADEQ's Environmental Emergency Response Unit is on call 24-hour a day, seven days a week to ensure that all environmental emergencies are promptly addressed. The unit works to minimize injuries, deaths, property damage and threats to the environment from chemical spills, fires, explosions and other pollutant releases (per the State website at <http://www.azdeq.gov/ReportEnvironmentalEmergency>).

After required emergency notifications have been completed each party to this Agreement agrees to notify the other. The State contact is the Solid and Hazardous Waste Section Manager. The EPA contacts are the Assistant Director, RCRA Branch, Region 9 and the RCRA Region 9 grant project officer. As emergency contacts change, each agency will notify the other.



#### **D. Confidentiality**

Any information obtained or used in the administration of the State Program shall be available to the EPA upon request without restriction. If the information has been submitted to the State under a claim of confidentiality, the State must submit that claim to the EPA when providing information. Any information obtained from a State and subject to a claim of confidentiality will be treated in accordance with the regulations in 40 CFR Part 2.

The EPA agrees to furnish to the State information in its files which is not submitted under a claim of confidentiality and which the State needs to implement its program. Subject to the conditions in 40 CFR Part 2, the EPA will furnish the State information submitted to EPA under a claim of confidentiality which the State needs to implement its authorized State Program. All information the EPA agrees to transfer to the State will be transferred in accordance with the requirements of 40 CFR Part 2. The EPA will notify affected facilities when such information is sent to the State.

#### **E. Delisting**

The EPA agrees to retain the authority for delisting (40 CFR 260.22 - Petitions to amend part 261 to exclude a waste produced at a particular facility) and to provide the state with a copy of each EPA decision regarding a delisting petition for a site in the state for review prior to its publication in the Federal Register.

#### **F. Notification of Hazardous Waste Activity and Assigning Identification Numbers**

The State is responsible for receiving, processing, and verifying information on *RCRA Subtitle C Site Identification Form* (EPA Form 8700-12 or equivalent) for all handlers located within the state jurisdiction required to obtain an identification number pursuant to RCRA, excluding handlers located in Indian Country for which the EPA will issue identification numbers. The State agrees to assign the EPA identification numbers to generators and transporters and to owners and operators of hazardous waste treatment, storage, and disposal facilities. The State agrees to enter initial and updated notification data into the handler module of the RCRAInfo database within 30 days of receipt of the form.

The EPA agrees to forward to the State notification information (EPA Form 8700-12 or equivalent) submitted to the EPA for sites located within the state boundaries within fifteen days of receipt.

#### **G. Variances and Waivers**

The State agrees not to grant variances or waivers pursuant to State Program regulations that would make the State Program regulations less stringent than the RCRA federal program. The State will obtain concurrence from the EPA on all variances and waivers to assure that the State program is as stringent as the federal program. The EPA agrees to evaluate these requests for concurrence within 30 days of receipt. All public notices of intent to issue variances or

waivers should be sent to the EPA within fourteen (14) days of issuance. The State will transmit a copy of all variance or waiver approvals to the EPA within ten (10) days of issuance.

#### **H. RCRA Database Management**

The national RCRA data management system (RCRAInfo, or its successor) will serve as a primary means for the EPA to evaluate State activities and accomplishments related to facility compliance monitoring and enforcement, permitting, and corrective action under the RCRA federal program. The State agrees to report to the national RCRA database and other means to the EPA with this information. Specifically:

- (1) The State agrees to manage its Handler universe and share that data directly or through an electronic sharing protocol to RCRAInfo. As RCRAInfo expands into manifest and biennial report data management, the State will track application changes and maintain fluency in the creation, maintenance and use of those data sets.
- (2) When the State has the lead for a site, the State agrees to enter data into the following RCRAInfo modules within 30 days of the relevant event: corrective action; permitting; closure; post-closure; compliance monitoring and enforcement; and financial assurance.
- (3) The State is responsible for the correctness of the data it enters. The State agrees to timely correct any State data error it becomes aware of through its own regular data quality procedures, ECHO/Error Tracker reports, or other activities such as the annual data verification process facilitated by EPA.
- (4) The State will collect Biennial Reporting data, translate the data into RCRAInfo, and perform Quality Control activities (including requesting and completing a State Summary Report) according to the schedule promulgated by the EPA National Program.
- (5) The State will review its summary counts of RCRA activities reported to RCRAInfo at least quarterly with staff to identify omissions and errors for correction.
- (6) The State will appoint one or more RCRAInfo state system administrators to maintain its list of RCRAInfo user accounts, provide access and training as needed to state staff, and collaborate with the Regional RCRAInfo System Administrator.
- (7) The State will populate and maintain the financial assurance data module for any state-led RCRA permit or corrective action site.

The EPA is responsible for entering data from EPA inspections, EPA corrective action activities, and related financial assurance requirements. The EPA is responsible for the correctness of the data it enters, and agrees to timely correct any data errors that the EPA has created. The EPA will help the State maximize usefulness of RCRAInfo by preparing output queries to fit state specifications. The EPA will assist the State in resolving Biennial Report data quality problems according to the schedule promulgated by the EPA National Program.

The EPA will inform the State promptly when changes are made to RCRAInfo that might affect the State's implementation. The EPA will provide training and technical support for the State's RCRAInfo data management activities as resources allow.

## **VI. PERMITS**

### **A. State Permitting**

The State is responsible for expeditiously drafting, circulating for public review and comment, issuing, modifying, reissuing, and terminating permits for hazardous waste treatment, storage, and disposal facilities subject to the authorized provisions of the State Program and shall do so in a manner consistent with RCRA, this Agreement, all applicable federal requirements, State statutes, and implementing regulations, and the State's Program Description. The State agrees to notify the EPA of any permit actions or decisions that may have an effect in Indian Country.

The State agrees to issue, modify and reissue all permits subject to the authorized program pursuant to the State hazardous waste management statutes and administrative rules approved as the State Program and to include as permit conditions all applicable provisions of those statutes and rules. The State agrees that any compliance schedules contained in permits it issues will require compliance with applicable standards as soon as possible. The State agrees to resolve all State permit appeals in a manner consistent with its authorized program.

### **B. EPA Permitting**

Pursuant to RCRA section 3006(g)(1) and in accordance with the HSWA, the EPA has the authority to issue or deny permits to facilities in the State for requirements and prohibitions in or stemming from HSWA, until the State amends its program to reflect those requirements and prohibitions and receives authorization for those amendments. Pursuant to 40 CFR Parts 124 and 270, the EPA will administer the permits or portions of permits it issues to facilities in the State until the State becomes authorized for those provisions. The EPA is responsible for making permit decisions in Indian Country and will keep the State informed of any actions that may impact the State.

### **C. EPA Oversight of State Permits**

The State Director or designee shall notify the EPA of any new permit applications or the initiation of any new permit action. The EPA may comment on any permit application, draft permit, or proposed permit modification and will make every effort to accommodate State permitting timeframes. To ensure timely processing of permit actions, the State will provide the EPA with copies (paper or electronic) of all facility permit applications, revisions and additions to those applications, draft permits, final permits, permit appeals, proposed permit modifications, and public notices and include with those copies the relevant permitting timeframes.

The EPA may comment on any draft permit or proposed permit modification, whether or

not the EPA commented on the permit application, within thirty days of its receipt. Where the EPA indicates in a comment that issuance, modification, reissuance, termination, or denial of the permit would be inconsistent with the approved State Program, the EPA will include in the comment:

- (1) A statement of the reasons for the comment, including the section of the State law or regulations that supports the comment; and
- (2) The actions that should be taken by the State in order to address the comment, including the conditions which the permit would include if it were issued by the EPA.

Per 40 CFR 271.19(c), the EPA will send a copy of its written comments to the permit applicant.

The State agrees to consider all comments the EPA makes on permit applications and draft permits. The State will satisfy or refute the EPA's concerns on a particular permit application, proposed permit modification, or draft permit in writing before issuing the permit or making the modification. The State and the EPA will attempt to reach concurrence on permit conditions prior to issuance of the draft permit or approval of proposed permit modifications. The EPA will withdraw such comments when satisfied that the State has met or refuted its concerns and will also provide the permit applicant with a copy of such withdrawal.

The State agrees that if the EPA notifies the State that a facility managing a RCRA hazardous waste is out of compliance with an authorized regulation that is more stringent than a corresponding permit condition and the EPA requests that the State initiate a permit modification, the State will modify the facility's permit to replace the permit condition with the more stringent regulation.

Under RCRA section 3008(a)(3), the EPA may terminate a permit issued by the State in accordance with the procedures of 40 CFR Part 124, Subpart E or bring an enforcement action in accordance with the procedures of 40 CFR Part 22 in the case of a violation of a state program requirement. In exercising these authorities, the EPA will observe the conditions established in 40 CFR 271.19(e).

As explained in section VI. B. above, the EPA has the authority to issue or deny permits or portions of permits to facilities in the State for the HSWA requirements and prohibitions until the State amends its program and receives authorization for those requirements. However, the State reserves the right to issue state permits based on relevant portions of state law.

#### **D. National Historic Preservation**

The EPA and the State agree that the State will comply with the requirements of the Arizona Historic Preservation Program, as set forth in Arizona Revised Statutes sections 41-511.02 and 41-511.04 for any RCRA state permit activity that is potentially subject to this program.

## **E. Environmental Justice**

The State will develop a strategy for addressing the needs and concerns of environmental justice communities, including a strategy for impacted communities that encourages stakeholders' involvement in the permitting process. The State will conduct community outreach for permitting decisions, and conduct enhanced community outreach for EJ Communities

## **VII. CORRECTIVE ACTION**

The State will conduct the RCRA Corrective Action Program in a manner that promotes rapid cleanups while protecting human health and the environment. The State will, to the extent practicable:

- (1) Embrace flexible, practical, results-based approaches that focus on control of human exposure and contaminated groundwater migration in the short term, with remedy construction and final cleanup being the long-term goal;
- (2) Provide ready public access to information and meaningful opportunities for public involvement in the cleanup process;
- (3) Foster a culture of innovation, creativity, communication, and technical expertise, focused on accelerating cleanups and meeting program goals;
- (4) Consider key RCRA Corrective Action Program guidance and any updates issued by the EPA, which will be provided annually with the RCRA/C Grant and Program Guidance; and
- (5) Ensure that financial assurance for corrective action is in place as soon as practicable before Remedy Selection and fully funded after Remedy Selection.

The State will have administrative authority for all RCRA corrective action imposed through State permits or enforcement activities. The EPA may comment to the State on corrective action documents by procedures established as part of the annual State Grant Workplan. The EPA will assist the State, as requested, with all aspects of the cleanup program and support its efforts to conduct faster, focused, and more flexible RCRA cleanups. The State is responsible for monitoring compliance with land use restrictions and other long term obligations associated with interim and final corrective action remedies.

The State is the corrective action lead for all RCRA sites within the jurisdiction of the State of Arizona. At any time, the State may initiate discussion with the EPA to transfer lead for any corrective action site to the EPA. Generally, the EPA would only accept transfer of lead when the sites poses an Imminent and Substantial Endangerment consistent with RCRA §7003 or when a facility is in Interim Status.

## **VIII. COMPLIANCE MONITORING AND ENFORCEMENT**

### **A. The EPA**

Nothing in this Agreement shall restrict the right to inspect any hazardous waste generator, transporter, or facility or bring enforcement action against any person believed to be in violation of the State or federal hazardous waste regulations or believed to be responsible for a release of a hazardous waste or constituent. Before conducting an inspection of a generator, transporter, or facility, the EPA will normally give the State at least seven days' notice of the intent to inspect in accordance with 40 CFR section 271.8(b)(3)(i), and will invite the State to participate in the inspection. In case of an imminent hazard to human health and the environment, the EPA may shorten or waive the notice period. The EPA agrees to make available to the State copies of any reports and data resulting from compliance inspections within sixty days of completion of the inspections, subject to the regulations in 40 CFR Part 2.

The EPA may take enforcement action against any person determined to be in violation of RCRA in accordance with section 3008(a). Generally, the EPA will take enforcement action upon determining that the State has not taken timely and appropriate enforcement action, upon request of the state, or when violations are discovered during an EPA-led inspection.

The EPA maintains authority to bring an action under section 3008(a) of RCRA against a holder of a State-issued permit on the grounds that the permittee is not complying with a condition of that permit. In addition, the EPA may take action under section 3008(a) of RCRA against a holder of a State-issued permit on the grounds that the permittee is not complying with a condition that the EPA, in commenting on that permit application or draft permit, stated was necessary to implement approved State Program requirements, whether or not that condition was included in the final permit.

Prior to issuing a compliance order under section 3008(a), the EPA will give notice to the State. The EPA also retains its authority to issue orders and bring actions under sections 3008(h), 3013 and 7003 of RCRA and any other applicable federal statute.

Whenever the EPA adopts HSWA standards for activities or wastes not currently covered by the authorized program, the EPA will enforce any EPA-issued permits or portions of permits until the State has received authorization for the new standards.

### **B. The State**

The State agrees to implement a timely and effective program for monitoring the compliance of generators, transporters, and facilities with State Program requirements (see 40 CFR 271.15). As part of this program, the State will conduct inspections, as agreed upon in the State Grant Workplan, to assess compliance with generator and transporter standards (including manifest requirements), facility standards, permit requirements, compliance schedules, and all other program requirements, including HSWA requirements for which the State is not authorized.

Compliance monitoring activities and priorities will be specified in the State's *Compliance and Enforcement Handbook (CEH)* and the annual State Grant Workplan and shall be consistent with all applicable federal requirements and the State's Program Description. Nothing in this agreement shall be construed to limit or affect the right of the State to inspect or to enforce its hazardous waste laws against any federal facility as authorized by federal law.

The State agrees to take timely and appropriate enforcement action, as defined in the State *CEH*, against all persons in violation of generator and transporter standards (including manifest requirements), facility standards, permit requirements, compliance schedules, and all other State Program requirements, including violations detected by State or the EPA compliance inspections.

Appropriate State enforcement responses to violations are specified in the State *CEH* and may include criminal, civil, or administrative enforcement proceedings. Any civil penalty assessed, sought, or agreed upon by the State shall be appropriate to the violation, as specified in 40 CFR 271.16(c), Arizona Revised Statutes sections 49-923 – 49-926, and the State's *CEH*.

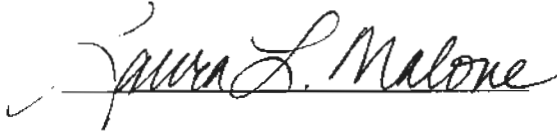
The State agrees to maintain procedures for receiving and ensuring proper consideration of information about violations submitted by the public. The State agrees that, in accordance with 40 CFR 271.16(d), it will not oppose intervention by any citizen in an action to enforce the State's hazardous waste control laws, where permissive intervention may be sought pursuant to Arizona Revised Statutes sections 49-923 – 49-926.

The State agrees to provide the EPA with copies of reports on data resulting from any compliance inspection and subsequent enforcement actions, when the EPA requests such copies. The State agrees to retain all compliance monitoring and enforcement records for at least three years unless there is an enforcement action pending, in which case all records will be retained until three years after such action is resolved.

### **C. EPA Oversight**

The State will have at least quarterly conference calls and discussions with the EPA to provide periodic updates on facilities determined to be significant non-compliers ("SNCs") and formal enforcement actions in progress, and to discuss other enforcement issues. These conference calls and discussions will be guided by State data entered in the Compliance Monitoring and Enforcement module of RCRAInfo, information reported directly to the EPA, the annual Grant Workplan, and other relevant guidance documents and agreements regarding inspection priorities.

**IX. AUTHORIZING SIGNATURES**



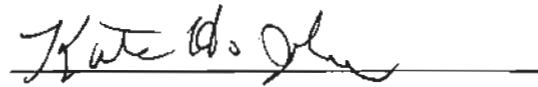
Laura L. Malone  
Director, Waste Programs Division  
Department of Environmental Quality  
State of Arizona

Date: 8/2/17



Jeff Scott  
Director, Land Division  
Region 9  
U.S. Environmental Protection Agency

Date: 8/29/17



Kathleen Johnson  
Director, Enforcement Division  
Region 9  
U.S. Environmental Protection Agency

Date: 8/29/17



## **Appendix E**

### **State Forms**



**CHARACTER/BACKGROUND REFERENCE FORM  
FOR HAZARDOUS WASTE FACILITY PERMIT APPLICATION  
FORM FOR PERMIT APPLICANT**

**BACKGROUND**

Pursuant to ARS § 49-922.C. and A.A.C. R18-8-270.J, the Arizona Department of Environmental Quality (ADEQ) requires that permit applicants and other persons associated with a hazardous waste management facility supply character/background information sufficient to demonstrate their reliability, expertise, integrity, and competence to operate a hazardous waste facility. The attached application supplement shall be provided to ADEQ at the time that a hazardous waste permit application to treat, store, or dispose of hazardous waste is submitted. It may also be required in any request to transfer, reissue, or modify a hazardous waste permit.

**DEFINITIONS**

“Applicant” is defined as the corporation, company, partnership, or other entity seeking a hazardous waste facility permit and identified in the permit application and in this “Applicant” Character/Background Reference Form.

“Key Employee” is defined as any person employed by the Applicant in a supervisory capacity or empowered to make discretionary decisions with respect to the solid waste or hazardous waste operations of the facility. This definition may include positions such as the plant manager, environmental manager, emergency coordinator(s), and training director(s).

**INSTRUCTIONS**

- This form is to be completed on behalf of the Applicant as part of its application for a hazardous waste permit. It may also be required in any request to transfer, reissue, or modify a hazardous waste permit.
- All questions must be answered completely.
- As indicated on the last page of this form, all statements herein are to be made under oath.
- The person signing this form is certifying that he or she has the authority to provide this information on behalf of the Applicant.
- ADEQ may coordinate with other state, federal, and local agencies to verify the information provided herein, as well as to obtain additional information as needed. The Attorney General’s Office may conduct background investigations on any or all of the persons identified in the Applicant’s submittals.
- Additional background or reference information may be submitted if you believe that it will help the ADEQ to render a decision on your application. Additional sheets can be attached as necessary.
- Send completed forms to:

Arizona Department of Environmental Quality  
Permits and Plan Review Unit  
1110 W. Washington Street  
Phoenix, Arizona 85007

## CHARACTER/BACKGROUND REFERENCE FORM

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1. General Information

Applicant name (as it will appear on exterior of premises) \_\_\_\_\_

Name of company (if different) \_\_\_\_\_

State of incorporation \_\_\_\_\_

U.S. corporate headquarters location \_\_\_\_\_

Is the Applicant authorized to do business in Arizona by the Arizona Corporation Commission? Yes \_\_\_\_\_  
No \_\_\_\_\_

Is the Applicant in good standing with the Arizona Corporation Commission? Yes \_\_\_\_\_  
No \_\_\_\_\_

If "No" please explain: \_\_\_\_\_

If not an Arizona Corporation, is the Applicant licensed to do business in Arizona? Yes \_\_\_\_\_  
No \_\_\_\_\_

Location of facility \_\_\_\_\_  
(Street)  
\_\_\_\_\_  
(City) (State) (Zip)  
\_\_\_\_\_  
(County)

Mailing address \_\_\_\_\_  
(Street)  
\_\_\_\_\_  
(City) (State) (Zip)  
\_\_\_\_\_  
(County)

Business telephone \_\_\_\_\_

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**CHARACTER/BACKGROUND REFERENCE FORM**

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2. Property Ownership

Who owns the land at the business address  
(include owner's address)?

\_\_\_\_\_ *(Name)*

\_\_\_\_\_ *(Street)*

\_\_\_\_\_ *(City)*

\_\_\_\_\_ *(State)*

\_\_\_\_\_ *(Zip)*

Who owns the building/buildings at the  
business address (include owner's address)?

\_\_\_\_\_ *(Name)*

\_\_\_\_\_ *(Street)*

\_\_\_\_\_ *(City)*

\_\_\_\_\_ *(State)*

\_\_\_\_\_ *(Zip)*

If building/buildings are leased, state term  
(period of time covered) of each lease

Who, in addition to the Applicant, has a  
substantial interest in (owns more than 10%)  
of the equipment at this location? (Equipment  
includes all operating and structural devices,  
apparatus and materials, all rolling stock, and  
all monitoring, safety, emergency and  
security apparatus included in the hazardous  
waste permits, but does not include office  
equipment).

\_\_\_\_\_ *(Name)*

\_\_\_\_\_ *(Street)*

\_\_\_\_\_ *(City)*

\_\_\_\_\_ *(State)*

\_\_\_\_\_ *(Zip)*

If the Applicant does not own the equipment,  
under what terms is the equipment being  
used? (Check all that apply. If more than one  
checked, explain.)

Rent \_\_\_\_\_

Lease \_\_\_\_\_

Contract to Purchase \_\_\_\_\_

Other \_\_\_\_\_

(Explain) \_\_\_\_\_

List below the investment the Applicant has  
in each interest listed (or each anticipated  
investment):

Building & Structures \$ \_\_\_\_\_

Equipment \$ \_\_\_\_\_

Rolling Stock \$ \_\_\_\_\_

Land \$ \_\_\_\_\_

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**CHARACTER/BACKGROUND REFERENCE FORM**

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3. List the names and titles of all officers, directors, partners, key employees, or persons or business entities holding 10% or more of the Applicant's equity or debt liability. (Attach a separate sheet if necessary)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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4. List the names and titles of the Applicant's key employees. (Attach a separate sheet if necessary)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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5. Has the Applicant been convicted of a felony within the last 5 years? Include guilty and nolo contendere (no contest) pleas. Yes \_\_\_\_\_  
No \_\_\_\_\_

If "yes", please specify

the court(s) in which the conviction(s) was/were entered (state the name and location) \_\_\_\_\_

date of each conviction \_\_\_\_\_

original charge(s) \_\_\_\_\_

offense(s) convicted of \_\_\_\_\_

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6. Has the Applicant ever had a permit, interim status, or other approval to operate a facility to transport, generate, treat, store or dispose of hazardous waste denied, revoked or terminated? Yes \_\_\_\_\_  
No \_\_\_\_\_

If "yes", please specify:

type(s) of permits \_\_\_\_\_

where denied, revoked or terminated (city and state) \_\_\_\_\_

date on which denied, revoked or terminated \_\_\_\_\_

reason(s) for denial, revocation or termination \_\_\_\_\_

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## CHARACTER/BACKGROUND REFERENCE FORM

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9. Has the Applicant been convicted of a misdemeanor relating to environmental matters within the last 5 years? Include guilty and nolo contendere (no contest) pleas. Yes \_\_\_\_\_  
No \_\_\_\_\_

If "yes", please specify:

The court(s) in which the conviction(s) was/were entered \_\_\_\_\_

Date of each conviction \_\_\_\_\_

Original charge(s) \_\_\_\_\_

Offense(s) convicted of \_\_\_\_\_

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10. Has any governmental or judicial entity provided the Applicant with notice that the Applicant is subject to any restraining order, injunction or similar order related to environmental matters within the last 5 years? Yes \_\_\_\_\_  
No \_\_\_\_\_

If "yes", please specify:

Date of each order \_\_\_\_\_

The court, agency or other entity issuing the order(s) \_\_\_\_\_

Type of action \_\_\_\_\_

Is the action still pending? Yes \_\_\_\_\_

No \_\_\_\_\_

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11. Is the Applicant presently the subject of any investigation or proceeding by the U.S. EPA or government authority in any state regarding environmental matters? Yes \_\_\_\_\_  
No \_\_\_\_\_

If "yes," indicate the nature of the investigation or proceeding and the name and location of the government authority \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**CHARACTER/BACKGROUND REFERENCE FORM**

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12. Has the Applicant ever forfeited a bond? Yes \_\_\_\_\_

No \_\_\_\_\_

If "yes", please specify:

where forfeited \_\_\_\_\_

when forfeited \_\_\_\_\_

amount forfeited \_\_\_\_\_

reason forfeited \_\_\_\_\_



**CHARACTER/BACKGROUND REFERENCE FORM**

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STATE OF \_\_\_\_\_)

County of \_\_\_\_\_)

I, \_\_\_\_\_, \_\_\_\_\_,  
*(full name--printed or typed) (position/title)*

having been duly sworn, depose and say that the foregoing information is in all respect true and correct to the best of my knowledge. I am authorized to provide this information on behalf of \_\_\_\_\_ . I understand that providing false information is a felony.  
*(Applicant)*

\_\_\_\_\_  
*(Signature)*

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
*(Notary Public)*

My Commission expires:  
\_\_\_\_\_



**CHARACTER/BACKGROUND REFERENCE FORM  
FOR HAZARDOUS WASTE FACILITY PERMIT APPLICATION  
FORM FOR KEY EMPLOYEE**

**BACKGROUND**

Pursuant to ARS § 49-922.C. and A.A.C. R18-8-270.J, the Arizona Department of Environmental Quality (ADEQ) requires that permit applicants and other persons associated with a hazardous waste management facility supply character/background information sufficient to demonstrate their reliability, expertise, integrity, and competence to operate a hazardous waste facility. The attached application supplement shall be provided to ADEQ at the time that a hazardous waste permit application to treat, store, or dispose of hazardous waste is submitted and at such times when Key Employees are added or changed.

**DEFINITIONS**

“Applicant” is defined as the corporation, company, partnership, or other entity seeking a hazardous waste facility permit and identified in the permit application.

“Key Employee” is defined as any person employed by the Applicant in a supervisory capacity or empowered to make discretionary decisions with respect to the solid waste or hazardous waste operations of the facility. This definition may include positions such as the plant manager, environmental manager, emergency coordinator(s), and training director(s).

**INSTRUCTIONS**

- Each of the applicant’s Key Employees must complete a copy of this form as part of the hazardous waste permit application. It may also be required in any request to transfer, reissue, or modify a Hazardous Waste Permit.
- All questions must be answered completely.
- As indicated on the last page of this form, all statements herein are to be made under oath.
- ADEQ may coordinate with other state, federal, and local agencies to verify the information provided herein, as well as to obtain additional information as needed. The Attorney General’s Office may conduct background investigations on any or all of the persons identified in the Applicant’s submittals.
- Additional background or reference information may be submitted if you believe that it will help the ADEQ to render a decision on your application. Additional sheets can be attached as necessary.
- Send completed forms to:

Arizona Department of Environmental Quality  
Hazardous Waste Permits and Support Unit  
1110 W. Washington Street  
Phoenix, Arizona 85007

**CHARACTER/BACKGROUND REFERENCE FORM**

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1. General Information

Full name

\_\_\_\_\_ *(First)*                      *(Middle)*                      *(Last)*

**Date of birth\***

\_\_\_\_\_ *(Month)*                      *(Day)*                      *(Year)*

**Place of birth\***

\_\_\_\_\_ *(City)*                      *(State)*                      *(County)*

**Social Security Number\***

\_\_\_\_\_

**Current residence\***

\_\_\_\_\_ *(Street)*

\_\_\_\_\_ *(City)*                      *(State)*                      *(Zip)*

**Information marked with “\*” will be held confidential and will not be made available in a public file.**

Are you a U.S. citizen?

Yes \_\_\_\_\_ No \_\_\_\_\_

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2. Employment History (last 5 years)

<u>Dates From/To and Position</u>	<u>Name and Address of Employer</u>
Dates From/To: _____ Position: : _____ _____	_____ <i>(Name)</i> _____ <i>(Street)</i> _____ <i>(City)</i> <i>(State)</i> <i>(Zip)</i>
Dates From/To: _____ Position: : _____ _____	_____ <i>(Name)</i> _____ <i>(Street)</i> _____ <i>(City)</i> <i>(State)</i> <i>(Zip)</i>
Dates From/To: _____ Position: : _____ _____	_____ <i>(Name)</i> _____ <i>(Street)</i> _____ <i>(City)</i> <i>(State)</i> <i>(Zip)</i>

**CHARACTER/BACKGROUND REFERENCE FORM**

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3. Have you read and do you understand the Arizona hazardous waste laws, rules, and regulations? Yes \_\_\_\_\_  
No \_\_\_\_\_

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4. Have you been convicted of a felony within the last five years? Include guilty and nolo contendere (no contest) pleas. Yes \_\_\_\_\_  
No \_\_\_\_\_

If "yes", please specify

the court(s) in which the conviction(s) was/were entered (name and location) \_\_\_\_\_

date of each conviction \_\_\_\_\_

original charge(s) \_\_\_\_\_

offense(s) convicted of \_\_\_\_\_

---

5. Have you been convicted of a misdemeanor relating to environmental matters within the last 5 years? Include guilty and nolo contendere (no contest) pleas. Yes \_\_\_\_\_  
No \_\_\_\_\_

If "yes", please specify:

The court(s) in which the conviction(s) was/were entered \_\_\_\_\_

Date of each conviction \_\_\_\_\_

Original charge(s) \_\_\_\_\_

Offense(s) convicted of \_\_\_\_\_

---

6. Has any governmental or judicial entity provided you with notice that you are subject to any restraining order, injunction or similar order related to environmental matters within the last 5 years? Yes \_\_\_\_\_  
No \_\_\_\_\_

If "yes", please specify:

Date of each order \_\_\_\_\_

The court, agency or other entity which issued order(s) \_\_\_\_\_

Type of action \_\_\_\_\_

Is the action still pending? Yes \_\_\_\_\_

No \_\_\_\_\_

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**CHARACTER/BACKGROUND REFERENCE FORM**

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7. Are you presently the subject of any investigation or proceeding by the U.S. EPA or government authority in any state regarding environmental issues? Yes \_\_\_\_\_  
No \_\_\_\_\_

If "yes", indicate the nature of the investigation of the proceeding and the name and location of the government authority \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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8. Have you ever had a business or professional license revoked or suspended? Yes \_\_\_\_\_  
No \_\_\_\_\_

If yes, provide the address of the licensing authority and the date of the action/order. \_\_\_\_\_

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9. Have you ever been denied a business or professional license? Yes \_\_\_\_\_  
No \_\_\_\_\_

If yes, provide the address of the licensing authority and the date of the action/order. \_\_\_\_\_

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10. Have you voluntarily surrendered a business or professional license in the last 5 years? Yes \_\_\_\_\_  
No \_\_\_\_\_

If yes, provide the address of the licensing authority and the date of the action/order. \_\_\_\_\_

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**CHARACTER/BACKGROUND REFERENCE FORM**

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STATE OF \_\_\_\_\_)

County of \_\_\_\_\_)

I, \_\_\_\_\_, having been duly  
*(full name--printed or typed)*

sworn, depose and say that the foregoing information is in all respect true and correct to the best of my knowledge. I understand that providing false information is a felony.

\_\_\_\_\_  
*(Signature)*

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
*(Notary Public)*

My Commission expires:

\_\_\_\_\_



## **CHARACTER/BACKGROUND REFERENCE FORM FOR HAZARDOUS WASTE PERMIT APPLICATION**

### **FORM FOR FACILITY OWNERS, OFFICERS, DIRECTORS, AND PARTNERS**

#### BACKGROUND

Pursuant to ARS § 49-922.C. and A.A.C. R18-8-270.J, the Arizona Department of Environmental Quality (ADEQ) requires that permit applicants and other persons associated with a hazardous waste management facility supply character/background information sufficient to demonstrate their reliability, expertise, integrity, and competence to operate a hazardous waste facility. The attached application supplement shall be provided to ADEQ at the time that a hazardous waste permit application to treat, store, or dispose of hazardous waste is submitted and at such times when the ownership is changed.

#### DEFINITIONS

“Applicant” is defined as the corporation, company, partnership, or other entity seeking a hazardous waste facility permit and identified in the permit application.

“Key Employee” is defined as any person employed by the Applicant in a supervisory capacity or empowered to make discretionary decisions with respect to the solid waste or hazardous waste operations of the facility. This definition may include positions such as the plant manager, environmental manager, emergency coordinator(s), and training director(s).

#### INSTRUCTIONS

- Each of the Applicant’s corporate officers, directors, partners, or persons or business entities which hold ten percent or more of the equity or debt liability of the company must complete a copy of this form as part of the hazardous waste permit application or as necessary to modify the permit.
- This form must not be used by the “Key Employees” of a hazardous waste facility. If an officer, director, partner, or person holding ten percent or more of the equity or debt liability of the company also meets the definition of a key employee (defined below), the Character/Background Reference Form for Key Employees form must be used.
- All questions must be answered completely. As indicated on the last page of this form, all statements herein are to be made under oath.
- ADEQ may coordinate with other state, federal, and local agencies to verify the information provided herein, as well as to obtain additional information as needed. The Attorney General’s Office may conduct background investigations on any or all of the persons identified in the Applicant’s submittals.
- Additional background or reference information may be submitted if you believe that it will help the ADEQ to render a decision on your application. Additional sheets can be attached as necessary.
- Send completed forms to:

Arizona Department of Environmental Quality  
Hazardous Waste Unit  
1110 W. Washington Street  
Phoenix, Arizona 85007

# CHARACTER/BACKGROUND REFERENCE FORM

1. Full name:

\_\_\_\_\_

(Full First Name)

\_\_\_\_\_

(Full Middle Name)

\_\_\_\_\_

(Last Name)

2. \*Date of Birth:

\_\_\_\_\_

(Month)

\_\_\_\_\_

(Day)

\_\_\_\_\_

(Year)

3. \*Place of Birth:

\_\_\_\_\_

(City)

\_\_\_\_\_

(State)

\_\_\_\_\_

(County)

4. \*Social Security No. \_\_\_\_\_

5. Location (Address) of Employment:

Business Name: \_\_\_\_\_

Street and Suite No.: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

6. Have you been convicted of a felony within the last 5 years? Include guilty and nolo contendere (no contest) pleas.

Yes \_\_\_\_\_ No \_\_\_\_\_

If "yes", please specify:

a. the court(s) in which the conviction(s) was/were entered (state the name and location)

b. date of each conviction \_\_\_\_\_

c. original charge(s) \_\_\_\_\_

d. offense(s) convicted of \_\_\_\_\_

**Information marked with "\*" will be held confidential and will not be made available in a public file.**



# CHARACTER/BACKGROUND REFERENCE FORM

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STATE OF \_\_\_\_\_)

County of \_\_\_\_\_)

I, \_\_\_\_\_, having been duly  
*(full name--printed or typed)*

sworn, depose and say that the foregoing information is in all respect true and correct to the best of my knowledge. I understand that providing false information is a felony.

\_\_\_\_\_  
*(Signature)*

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
*(Notary Public)*

My Commission expires:

\_\_\_\_\_