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# ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

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Henry R. Darwin  
Director

## FACT SHEET

### **PROPOSED MODIFICATION TO HAZARDOUS WASTE FACILITY PERMIT CLEAN HARBORS ARIZONA, LLC 1340 WEST LINCOLN STREET PHOENIX, ARIZONA EPA I.D. NO. AZD 049 318 009**

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This fact sheet was prepared in accordance with the Arizona Administrative Code (A.A.C.) R18-8-271.E(e) and R18-8-271.G. A fact sheet must accompany every Arizona Hazardous Waste Management Act (AHWMA) draft permit that the Arizona Department of Environmental Quality (ADEQ) has prepared that either raises major issues or involves a new facility. All references to the A.A.C. hereafter refer to the A.A.C. R18-8-260 et seq., made effective on July 1, 2012, which incorporates and/or modifies parts of Title 40 Code of Federal Regulations (CFR) Parts 260 et seq. (July 1, 2006 and July 1, 2011, Editions).

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In accordance with A.A.C. R18-8-271.D(c)(1), the ADEQ has prepared a draft Permit modification to the hazardous waste Permit for Clean Harbors Arizona, LLC (CHA). CHA operates a permitted hazardous waste storage facility at 1340 West Lincoln Street, Phoenix, Arizona (see Figures 1, 2, and 3) pursuant to A.A.C. Title 18, Chapter 8 (40 CFR Part §264). The draft Permit modification updates the hazardous waste Permit to: 1) add a corrective action schedule of compliance (CASOC) to the existing Permit, 2) incorporate hazardous waste fee rules effective July 1, 2012, that are applicable to approvals of permits, permit modifications, and closure plans, 3) require that work plans and reports submitted per the CASOC be submitted as Class 1 Permit modification requests, 4) clarify that the Permittee may appeal final determinations made by the Director on corrective action work plans and reports and may also request an informal settlement conference, and 5) make minor corrections to the Permit.

#### FACILITY DESCRIPTION

The CHA facility is an existing hazardous waste storage facility that receives a variety of hazardous and non-hazardous wastes. Incoming wastes are segregated, consolidated, and prepared for shipment to other treatment, storage, and disposal facilities, or recyclers.

The facility is situated on a 2.3 acre parcel. It consists of a single-story building that contains an enclosed office area and a maintenance office. To the east of the building are the waste management units. Waste management activities performed at CHA include:

- Container storage areas – CHA has six container storage areas (CSA), designated as CSA-I, CSA-II, CSA-IV, CSA-V, CSA-VI, and CSA-VII. These areas may store hazardous or non-hazardous wastes;

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- Tank storage area – CHA has six above-ground hazardous waste storage tanks on-site. These tanks are designated as T101, T102, T103, T104, T301, and T303. CHA also has six aboveground non-hazardous waste storage tanks: T201, T401, T601, T602, T701, and T702;
  - Roll off storage area – CHA has provision to store waste in roll off bins. These bins may contain hazardous waste solids, non-hazardous waste solids, or lab packs;
  - Work stations – CHA has four work stations, designated as WS-I, WS-II, WS-III, and WS-IV. The work stations are used for bulking and consolidation of liquid containerized waste into a storage tank within the tank farm; bulking, consolidation and repacking of lab packs for transfer off-site to other treatment, storage, and disposal facilities; bulking, consolidation, and distribution of household hazardous waste (HHW); and storage of containers of hazardous and non-hazardous waste;
  - Loading Dock – The loading dock is capable of parking four trucks at a time and staging waste during the loading and unloading process during operating hours;
  - Staging area – The staging area receives and prepares for shipment hazardous and non-hazardous wastes to the work stations, storage areas, or other treatment, storage, and disposal facilities;
  - Paint crusher – The paint crusher is used to compact and extract liquids from HHW paints or non-hazardous liquids, to separate non-hazardous latex paints from their containers and to crush paint and paint related containers. The latex paint may be collected and returned to the generator for recycling or provided to various agencies for graffiti cover and painting exterior walls.

There is also an office trailer on the eastern edge of the facility that is set up as office space, and includes a laboratory for testing incoming materials.

There are no hazardous waste landfills, waste piles, surface impoundments, and land treatment units in the facility.

### SITE HISTORY

The CHA facility was operating as a commercial hazardous waste facility when the Federal Resource Conservation and Recovery Act (RCRA) was enacted and first filed for Interim Status under RCRA in 1980. In May of 1993, Laidlaw Environmental Services of California purchased the facility, then named Recycling Resources, Inc., from Disposal Control Services, Inc. On September 1, 1994, the facility registered to do business in the State of Arizona as Laidlaw Environmental Services, Southwest, and the name Recycling Resources, Inc. was retired. On July 1, 1998, Laidlaw Environmental Services, Inc. and all subsidiaries legally changed their name to Safety-Kleen Corporation, Inc. Finally, on Sept. 6, 2002, the facility was acquired by Clean Harbors Environmental Services, Inc. and again changed its name to the current name of Clean Harbors Arizona, LLC.

### FACILITY UPGRADES

None are required as part of this Director-initiated Permit modification.

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## TYPE AND QUANTITY OF HAZARDOUS WASTES STORED AND TREATED

### Types of Hazardous Wastes (40 CFR §261, Subpart C & D)

The facility typically receives wastes from off-site generators via commercial hazardous waste transporters or its own transportation fleet. Solid hazardous wastes are received in roll off bins, drums, pails, and other miscellaneous-sized containers meeting Department of Transportation (DOT) standards. Liquid hazardous wastes are received in drums, pails, totes, miscellaneous-sized containers meeting DOT standards, and tanker trucks.

Representative clients for CHA include: industrial facilities, manufacturing plants, oil companies, chemical manufacturers, institutions such as hospitals, schools, and universities, research and development facilities, government agencies, emergency response actions, remedial action sites, and HHW collection events.

Typical wastes accepted by CHA include acids, alkalines, flammables/organics, oxidizers, poisons/pesticides and reactives. Wastes that are not accepted at the facility are radioactive wastes, wastes that are thermally unstable at ambient temperatures, DOT Class 1 explosives, and Toxic Substances Control Act (TSCA) Polychlorinated biphenyls (PCBs) in quantities greater than 500 gallons at a concentration greater than 50 parts per million (ppm). More specific information on the waste types (and waste codes) and storage areas can be found in the draft Permit in Section III, "Container Storage", Section IV, "Tank Storage", and Permit Attachment C, "Waste Characteristics", and in the federal hazardous waste rules at 40 CFR §261 Subpart C, "Characteristics of Hazardous Wastes" and 40 CFR §261 Subpart D, "Lists of Hazardous Waste."

CHA generates hazardous and non-hazardous wastes that are consolidated on-site or shipped off-site via commercial transporters or its own transportation fleet to permitted treatment, storage or disposal facilities. The wastes generated at CHA consist of laboratory sample residues and empty containers that the facility has bulked or lab-packed into DOT-approved containers for off-site treatment; clean-up residues and wash waters from the facility; Volatile Organic Compound (VOC) laden carbon; and personal protective equipment.

CHA tests incoming material to determine whether it is incompatible with other materials stored at the facility, and to determine a location for storage and method and location for consolidation within the facility. All received and generated wastes and material are stored and managed in approved containers. CHA does not operate a treatment or disposal unit onsite.

### Quantities of Hazardous Waste Stored

The maximum volume of hazardous waste allowed to be stored in containers, in designated storage areas, and work stations is 75,000 gallons.

Six aboveground storage tanks may hold a maximum of 32,640 gallons of hazardous waste.

Non-hazardous wastes may also be stored and consolidated within the storage areas so long as they are compatible with the hazardous waste; flammable and reactive wastes may not be stored within 50 feet of the property line; CHA maintains a tracking system to monitor the quantity of hazardous wastes in each storage area.

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**DESCRIPTION OF THE PERMIT MODIFICATION**

- The Permit modification proposes to incorporate new hazardous waste fee rules that became effective July 1, 2012. These rules were required by Laws 2011, 1<sup>st</sup> Regular Session, Ch 220 (HB 2705), which directed ADEQ to establish fees for facilities that treat, store, and dispose of hazardous waste. As noted in the preamble to the final rule, the ADEQ Hazardous Waste Permits Unit must now rely solely on facility fees to fund permit-related work, rather than much of the permit-related work being supplemented by the State's General Fund, as was done previously.
- The Permit modification also proposes to update Part V of the Permit (Corrective Action For Solid Waste Management Units - Schedule of Compliance) to complete corrective action for historic Solid Waste Management Units (SWMUs). Soil vapor and soil solids sampling as well as groundwater monitoring performed at the facility indicate that one or more SWMUs had a release that contributed to groundwater contamination underlying the site. The Permittee must submit separate RCRA Facility Investigation (RFI) work plans for soils and groundwater within 60 days of the Director's request. Subsequent steps of Corrective Action will be required after completion of ADEQ's review of the RFI work plans.
- The Permit modification requires that all work plans and reports be submitted as Class 1 (minor) Permit modification requests. The Permit modification proposes to keep the Permit current by incorporating approved work plans and reports into Permit Attachment L (Corrective Action Schedule of Compliance – Approved Work Plans and Reports). The work plans and reports then become enforceable components of the Permit.
- The Permit modification corrects errors found in the Permit.
- The Permit modification clarifies that the Permittee may appeal final determinations made by the Director on corrective action work plans and reports. The Permittee may also request an informal settlement conference, in accordance with A.R.S. §41-1092.06.

The existing Hazardous Waste Permit consists of five parts, exclusive of permit attachments. Each Part is summarized below, with a description of any changes that are proposed to be made to each Part.

Permit Part I contains general permit conditions. These conditions are required by A.A.C. R18-8-270.A and L, as well as 40 CFR §270.30.

- The Permit modification modifies I.B (Definitions), by updating citations to the State Administrative Code ("A.A.C.") and the federal Code of Federal Regulations ("C.F.R."). These definitions reference Attachment K (Arizona Administrative Code). This attachment is updated with the most recent regulatory adoption.
- The Permit modification modifies I.C (Permit Actions), by clarifying that the Permittee may appeal final determinations made by the Director on corrective action work plans and reports, and may also request an informal settlement conference, in accordance with A.R.S. §41-1092.06.

Permit Part II contains general facility conditions. These conditions are required by A.A.C. R18-8-264.A and 40 CFR §270.32. The Permit modification does not modify this Part of the Permit.

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Permit Part III contains specific conditions related to container storage areas, workstations, and container management. These conditions are required by A.A.C. R18-8-264.A (40 CFR §264, Subparts I and CC). The Permit modification does not modify this Part of the Permit.

Permit Part IV contains specific conditions related to the tank storage area, tank controls, and management of the tanks and tank area. These conditions are required by A.A.C. R18-8-264.A (40 CFR §264, Subparts J, BB, and CC). The Permit Modification does not modify this Part of the Permit.

Permit Part V contains conditions regarding corrective action for SWMUs, including a Schedule of Compliance. Corrective action is authorized by the Arizona Revised Statutes §49-922.B and Section 3004(u) of RCRA, as amended by the Hazardous and Solid Waste Amendments. The regulatory basis for this Permit modification is found in A.A.C. R18-8-270.A (40 CFR §270.41). The regulatory basis for the CASOC requirements can be found in A.A.C. R18-8-264.A (40 CFR §264.101) and R18-8-270.A (40 CFR §270.33 and §270.41). The regulatory basis for requiring Class 1 Permit modifications for Corrective Action submittals is found in A.A.C. R18-8-270.A (40 CFR §270.42 and Appendix I to §270.42 – *Classification of Permit Modification*). This Permit Modification makes the following changes to Permit Part V:

- Permit Section V.B (Summary of Previous Corrective Action Activities)
  - It summarizes and updates the latest technical memoranda, work plans, and reports completed by the Permittee and reviewed by ADEQ.
- Permit Section V.C (Specific Corrective Action Requirements)
  - Directs the Permittee to continue to investigate historic and any newly discovered SWMUs, in accordance with the RFI Soils and Groundwater Work Plans submitted for review;
  - Specifies compliance with the Arizona Soil Remediation Level Standards for soils at the facility, and specifies compliance with Arizona Aquifer Water Quality Standards and/or United States Environmental Protection Agency (U.S. EPA) Regional Screening Levels (tap water) for groundwater underlying the site.
- Permit Section V.D (General Corrective Action Requirements):
  - Requires the Permittee to begin to submit signed quarterly reports describing, in detail, the progress made in its Corrective Action program;
  - Clarifies that the Director may require new assessments, investigations, or studies upon review of the Permittee’s Corrective Action work plans and reports;
  - Clarifies that the Permittee’s financial assurance responsibility requirements must be updated if the Permittee implements Corrective Actions beyond the facility boundary;
  - Clarifies that the Permittee may appeal final determinations made by the Director on corrective action work plans and reports per Permit Condition I.C.1(b).
- Permit Sections V.E (Notification and Assessment of Newly Identified Solid Waste Management Units (SWMU(s)) or Areas of Concern (AOC(s))):
  - Specifies that the SWMU Assessment Plan, SWMU Assessment Report and the Determination of Further Action must be submitted as Class 1 Permit modification requests requiring prior approval by the Director, and that the final SWMU Assessment Plan and Report be incorporated into Permit Attachment L;

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- Clarifies that the Permittee may appeal final determinations made by the Director on corrective action work plans and reports per Permit Condition I.C.1(b).
  - Permit Section V.F (Newly Discovered Releases and Threats to Health and the Environment)
    - Specifies that work plans and reports for Interim Measures must be submitted as Class 1 Permit modification requests requiring prior approval by the Director, and that the final IM Work Plan must be incorporated into Permit Attachment L;
    - Clarifies that the Permittee may appeal final determinations made by the Director on corrective action work plans and reports per Permit Condition I.C.1(b).
  - Permit Section V.G (Interim Measures)
    - Specifies that revised work plans for Interim Measures must be submitted as Class 1 Permit modification requests requiring prior approval by the Director, and that the final revised IM Work Plan must be incorporated into Permit Attachment L;
    - Clarifies that any Interim Measures prepared by the Director may be implemented by the Permittee on a voluntary basis, and prior to inclusion in the Corrective Measures Study (CMS) Work Plans or Reports or incorporation into the Permit;
    - Clarifies that the Permittee may appeal final determinations made by the Director on corrective action work plans and reports per Permit Condition I.C.1(b).
  - Permit Section V.H (RCRA Facility Investigation (RFI) Work Plans and Reports)
    - Clarifies that RFI Work Plans and Reports may be submitted for SWMUs that have been already identified in the RCRA Facility Assessment report, or for newly identified SWMUs, following inspections or investigations performed by the Permittee or by ADEQ;
    - Requires the RFI Work Plans and Reports to be submitted as Class 1 Permit modification requests requiring the Director's prior approval. The final RFI Work Plan and RFI Report must be incorporated into Permit Attachment L;
    - Clarifies that a No Further Action (NFA) determination must be submitted as a Class 3 Permit Modification request;
    - Clarifies that the Permittee may appeal final determinations made by the Director on corrective action work plans and reports per Permit Condition I.C.1(b).
  - Permit Section V.I (Corrective Measures Study Plan and Report)
    - Requires the Permittee's CMS Work Plans and Reports to be submitted as Class 1 Permit modification requests. CMS Work Plans and Reports may be required for SWMUs that were identified in the original RCRA Facility Assessment Report or for newly identified SWMUs as a result of inspections or investigations performed by the Permittee or by ADEQ. Upon approval of the Class 1 Permit modification request, the final CMS Work Plan and Report must be incorporated into Permit Attachment L;
    - Expands the objectives of the CMS Work Plan to require an assessment of existing data and to specifically evaluate the feasibility of all proposed options for Corrective Action;
    - Requires that the CMS Report to include all data needed to evaluate the feasibility of the proposed options for Corrective Action, or propose additional data collection efforts necessary to evaluate the corrective measures;
    - Clarifies that the Permittee may appeal final determinations made by the Director on corrective action work plans and reports per Permit Condition I.C.1(b).
  - Permit Section V.J (Remedy Selection)

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- Provides more detail concerning remedy selection to include specific remedy selection factors and criteria. The remedy selection factors and criteria are described in U.S. EPA Corrective Action Plan Guidance (520R94004). Technical evaluation of remedies must consider, as appropriate the remedy’s long-term reliability and effectiveness, the reduction of the toxicity, mobility, and volume of the contamination, the short-term effectiveness of the remedy, the implementability, and the cost.
  - Permit Section V.K (Corrective Measures Implementation [CMI] Program Plan)
    - Requires the Permittee’s CMI Program Plans to be submitted as Class 1 Permit modification requests. Upon approval of the Class 1 Permit modification request, the final CMI Program Plan must be incorporated into Permit Attachment L;
    - Provides more detail concerning CMI Program Plan design, construction, operations and maintenance, monitoring, standards, scheduling, and reporting. The details are further described in U.S. EPA Corrective Action Plan Guidance (520R94004);
    - Clarifies that the Permittee may appeal final determinations made by the Director on corrective action work plans and reports per Permit Condition I.C.1(b).
  - Permit Section V.L (Site Assessment and Remedy)
    - Updates this section by including a description of a Site Assessment and Remedy process to address minor releases, and ii) requires the Permittee’s Site Assessment Plan (SP) and Site Assessment Report (SR) to be submitted as a Class 1 Permit modification request. Upon approval of the Class 1 Permit modification request, the final SP and SR must be incorporated into Permit Attachment L;
    - Clarifies that the Permittee may appeal final determinations made by the Director on corrective action work plans and reports per Permit Condition I.C.1(b).
  - Permit Section V.M (Compliance Schedule for Corrective Action Activities)
    - Adds schedules for the completion of each phase of corrective action. Separate schedules have been prepared for soils and groundwater (Tables V-1 and V-2). Changes to the schedules may only be made following written approval by the Director.
  - Permit Section V.N (Solid Waste Management Units and Areas of Concern)
    - New Permit Section was created and Table V-1 of Section M was moved.

#### APPLICANT REQUESTED VARIANCES

None have been requested by the applicant.

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

A copy of the draft Permit with Director-initiated Permit modifications (excluding unmodified appendices and unmodified attachments) is available for public review at the Phoenix Burton Barr Central Library (Government Documents, 2<sup>nd</sup> Floor), 1221 N. Central Ave., Phoenix, on Monday, Friday, and Saturday 9 a.m. – 5 p.m.; Tuesday, Wednesday, and Thursday 9 a.m. – 9 p.m.; and Sunday 1 p.m. – 5 p.m. The full draft Permit is available for public review, Monday through Friday (excluding state holidays), 8:30 a.m. to 4:30 p.m., at the ADEQ Records Center, 1110 West Washington Street, Phoenix, Arizona, 85007. In Phoenix, please call (602) 771-4380, outside of the area, please call (800) 234-5677 extension 7714380, or e-mail recordscenter@azdeq.gov 24 hours in advance to schedule an appointment to review the file.

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

**The 45-day public comment period will open on issuance of the public notice on March 17, 2013 and will close on May 2, 2013.** During the public comment period, any interested person may submit written comments on the draft Permit. These comments and supporting materials must be delivered or postmarked by the last day of the public comment period to:

Arizona Department of Environmental Quality  
Anthony Leverock – Manager  
Hazardous Waste Permits Unit  
1110 West Washington Street, Mail Code 4415C-1  
Phoenix, Arizona 85007

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

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

In addition to submitting public comment, any person may request the ADEQ Director to schedule a public hearing. **Written requests for a public hearing must be submitted to ADEQ by not later than close of the comment period, May 2, 2013 and must state the nature of the issues proposed to be raised in the hearing.** The Director will hold such a hearing if: 1) he finds, on the basis of requests, a significant degree of public interest in the draft Permit, or 2) he finds that the hearing might clarify one or more issues involved in the permit decision, or 3) a formal written notice of opposition to the draft Permit is received within the comment period.

If you would like a copy of the facility fact sheet or wish to be put on a mailing list for permit activity, you can make this request to the ADEQ contact person listed above. Please bring this notice to the attention of anybody who might be interested in this matter.

**PERSONS TO CONTACT FOR ADDITIONAL INFORMATION**

For additional information concerning the draft Permit, please contact:

Anthony Leverock – Manager

ADEQ - Hazardous Waste Permits Unit  
1110 West Washington Street  
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(602) 771-4160 or Toll Free 1-800-234-5677, extension 7714160

Mark Shaffer ADEQ Communications Director  
E-mail: [ms15@azdeq.gov](mailto:ms15@azdeq.gov)  
(602) 771-2215

Hearing-impaired individuals call our TDD line:  
(602) 771-4829

Web site: [www.azdeq.gov](http://www.azdeq.gov)

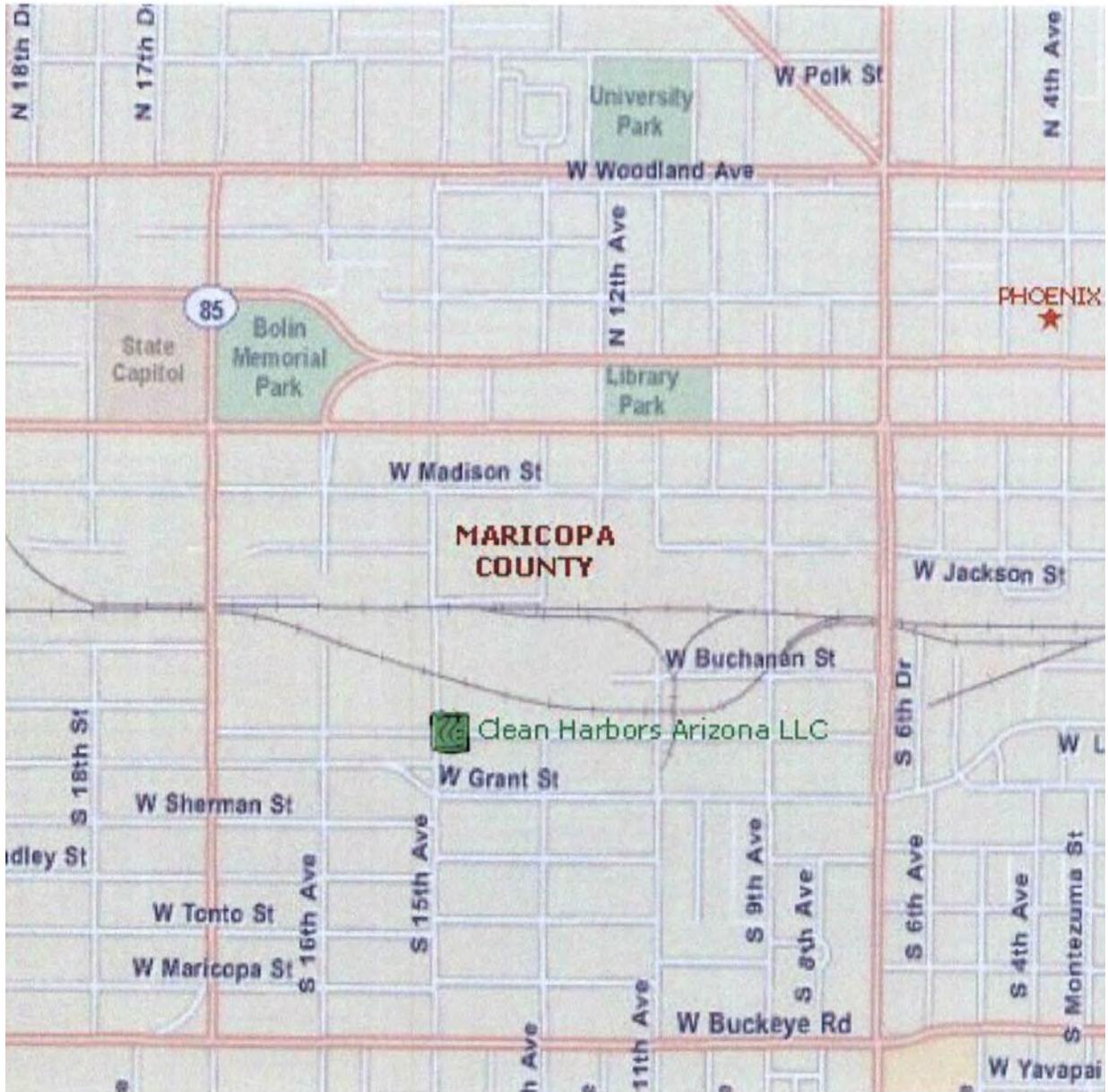


Figure 1. – Site Location

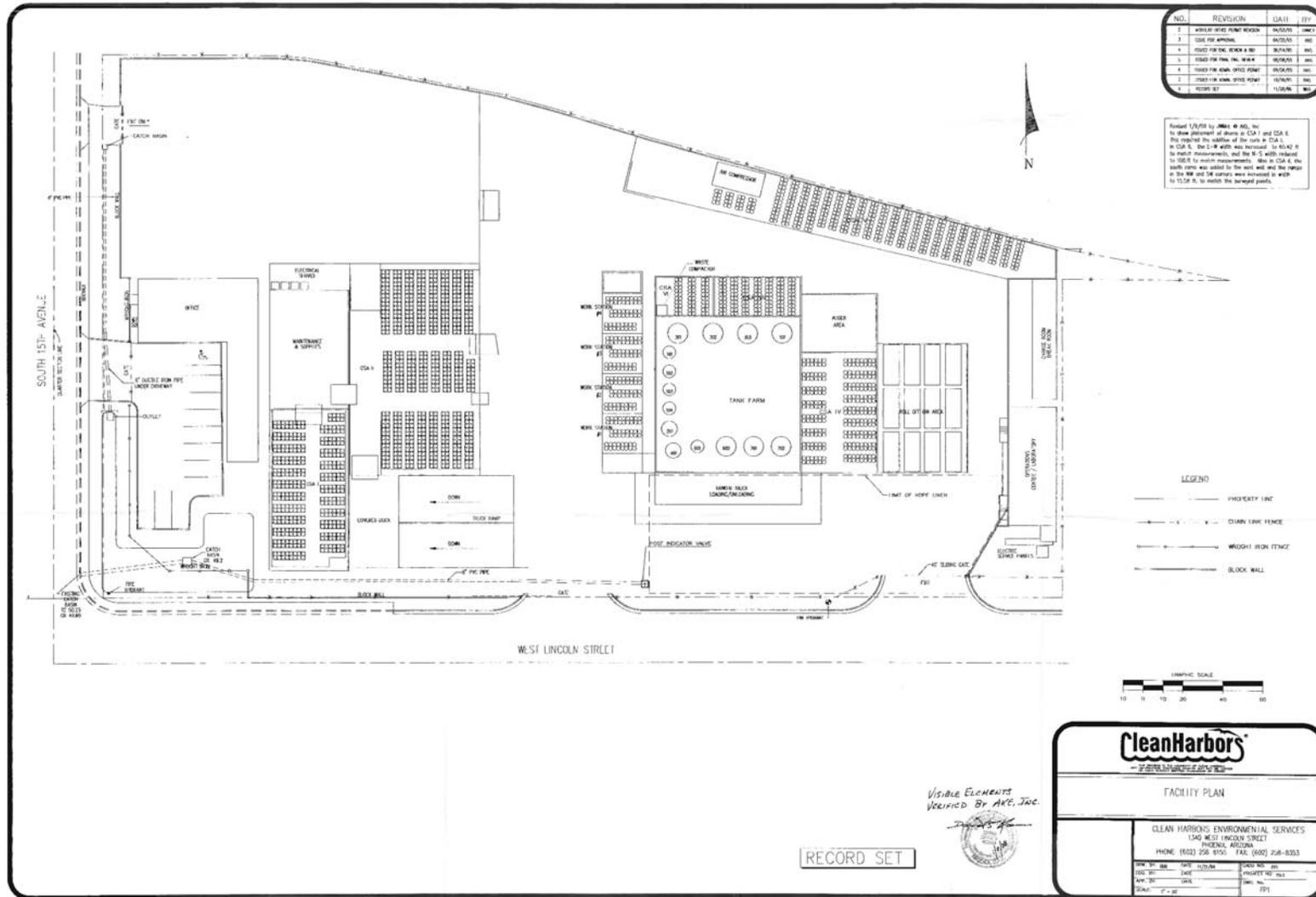


Figure 2. Site Plan

