

Documenting Arrangements with Local Authorities for Hazardous Waste 40 CFR 265 Subparts C and D - November 2010

NOTE: This document is not a substitute for state rules and federal regulations. Hazardous waste generators must comply with all applicable provisions in the Arizona Hazardous Waste Management Act (A.A.C. Title 18, Chapter 8 and A.R.S. Title 49, Chapter 5) and federal hazardous waste regulations (40 CFR Parts 260 to 273).

PURPOSE

Small quantity generators (SQGs) and large quantity generators (LQGs) of hazardous waste must comply with Resource Conservation and Recovery Act (RCRA) requirements to make arrangements with local authorities to familiarize them with the hazards, properties, and locations of hazardous waste generated, as well as the layout of the facility including the areas normally occupied by personnel and potential evacuation routes. This fact sheet is intended to provide recommendations on how facilities can document their efforts to make arrangements with local authorities.

40 CFR 265 SUBPART C: ARRANGEMENTS WITH LOCAL AUTHORITIES

Both SQGs and LQGs are required to comply with the requirements in 40 CFR Subpart C. In addition to supplying and maintaining emergency equipment and providing adequate aisle space in hazardous waste storage areas, 40 CFR Subpart C requires facilities to make arrangements with local authorities.

40 CFR §265.37 Arrangements with Local Authorities
(a) The owner or operator must attempt to make the following arrangements, as appropriate for the type of waste handled at his facility and the potential need for the services of these organizations:

Recommendation:

Facilities must be able to demonstrate their efforts to coordinate emergency response agreements with local emergency responders. This can be accomplished through written documentation or employee knowledge. While obtaining written agreements with local emergency responders may be difficult, facilities are free to demonstrate their efforts in a variety of ways. A sample communication log has been attached to assist facilities in documenting verbal agreements made with local authorities.

40 CFR §265.37 (a)

(1) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes;

(2) Where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority;

(3) Agreements with state emergency response teams, emergency response contractors, and equipment suppliers;

(4) Arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the facility.

Recommendation:

Facilities may choose to schedule an on-site visit to acquaint emergency responders with the items referenced above. The event should be documented with an agenda or summary of action items and a sign-in sheet including the name, title, agency, and signature of all attendees. The required information may also be conveyed to each local emergency responder in writing, via telephone, or e-mail.

If the possibility exists that more than one police or fire department could respond to the same incident, the facility should contact each department to determine which has primary authority. The primary department should be recorded in the contingency plan, and the communications with each department should be documented, for example, by using the attached communication log.

40 CFR §265.37 Arrangements with Local Authorities
(b) Where state or local authorities decline to enter into such arrangements, the owner or operator must document the refusal in the operating record.

Recommendation:

In any case where the local authority declines to enter into an agreement with the facility or declines a

copy of the contingency plan, the owner or operator must document the refusal. For example, you may ask for a letter in writing or via e-mail to document the refusal, or use the attached communication log to document a verbal refusal.

40 CFR 265 SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

LQGs are required to comply with the contingency plan requirements in 40 CFR Subpart D. This subpart details the required implementation, content, distribution, and amendment of the contingency plan, as well as the requirements for the emergency coordinator and emergency procedures.

40 CFR §265.52 Content of the Contingency Plan

(c) The plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and state and local emergency response teams to coordinate emergency services, pursuant to Sec. 265.37.

Recommendation:

The arrangements made with local authorities must be documented in the facility's contingency plan. It is acceptable to discuss the arrangements generally in the contingency plan and reference an attachment where detailed documentation is retained; the detailed records could include memorandums of agreement, response letters, logs of phone conversations, or summaries of on-site visits.

40 CFR §265.53 Copies of the Contingency Plan

A copy of the contingency plan and all revisions to the plan must be:

- (a) Maintained at the facility; and*
- (b) Submitted to all local police departments, fire departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services.*

Recommendation:

When the contingency plan is distributed to local authorities, it is essential to use a delivery method which can be tracked or verified, such as certified mail with a return receipt or hand delivery. When submitting a revised plan, it may be useful to include a cover letter that summarizes changes made to the contingency plan.

MORE INFORMATION

ADEQ Hazardous Waste Inspections and Compliance Unit

1110 W. Washington St.

Phoenix, Arizona 85007

(602) 771-4673 or

toll free at (800) 234-5677 Ext. 771-4673

Hearing impaired persons call

ADEQ's TDD line: (602) 771-4829

ADEQ Web site: www.azdeq.gov

Arizona Emergency Response Commission:

www.azserc.org/AZSERCHome/tabid/36/Default.aspx

Code of Federal Regulations (40 CFR 260-273):

www.gpoaccess.gov/cfr/index.html

The next page shows an example of a
Communications with Local Authorities Form

