



Janet Napolitano
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

1110 W. Washington Street • Phoenix, Arizona 85007
(602) 771-2300 • www.azdeq.gov



Stephen A. Owens
Director

**Waste Programs Division
Solid Waste Rule Development Process
Stakeholder Workshop
Monday, June 11, 2007 6:00 p.m.
ADES Conference Room
400 W. Congress, Tucson, Arizona**

NOTES

ATTENDEES: See attached.

HANDOUTS

- Agenda.
- Developing a Framework for Regulating Solid Waste in Arizona (presentation).
- Draft Solid Waste Facility Classification: Tiered Regulatory Framework.
- Relevant statute and other references, contact information.

WELCOME

Facilitator Theresa Gunn, Gunn Communications, Inc., explained that the purpose of the meeting was to achieve the following:

- Review current solid waste rules and regulations.
- Present ADEQ's considerations in changes to solid waste regulation.
- Obtain stakeholder input.

Gunn facilitated attendee introductions and introduced ADEQ staff members. She asked attendees what they hoped to learn from the meeting. Comments included:

- Want to learn whether inspection schedules will change, or if other areas will change.
- Came to learn about rules and regulations, and how to close a landfill.
- Want to see what will be happening in the future, especially regarding a potential waste to energy operation.
- Came for information to take back to my neighborhood.

INTEGRATED REGULATORY FRAMEWORK

Martha Seaman, Waste Programs Division, presented an overview of the regulatory framework. She reviewed key statutes and definitions, why rulemaking is necessary, and why it is necessary at this time.

Southern Regional Office
400 West Congress Street • Suite 433 • Tucson, AZ 85701
(520) 628-6733

Highlights of assumptions include:

- Arizona has a regulatory deficit as compared to six western states: Utah, Nevada, New Mexico, Colorado, Texas, and Washington.
- Other states regulate both more waste streams and more types of solid waste facilities.
- There is a deficit in Arizona's rules regarding waste at facilities such as transfer stations and recycling facilities.

Responses to stakeholder questions and comments:

- ADEQ is seeking to build in flexibility to deal with upcoming unknown technologies.
- In looking at the six western states, we wanted to determine what has become the regulatory mainstream.

Gunn asked attendees if this seemed like the proper time to create rules. Key comments included:

- Currently, the language is not there to guide compliance.
- Better guidance is needed.
- Landfills need to adapt to the growth.
- Inclusion of new technologies to diminish landfills (better science and data) is needed.

INTEGRATED REGULATORY FRAMEWORK

Seaman presented a rule overview and agency assumptions. Highlights include:

- Consideration is being made regarding the appropriate level of regulation.
- Legislative changes are not being sought, and the agency will work within the current statutory framework.
- Assumptions include:
 - Design and operating rules will be written.
 - A basic set of substantive requirements will apply to all solid waste facilities.
 - Requirements beyond the minimum may be required according to the type of facility.
 - A procedural framework will be needed for assuring compliance.
 - Financial assurance will be required after design and operating requirements are in place. A new facility could not operate without demonstrating financial assurance. An existing facility must show financial responsibility but may continue to operate.
- ADEQ will fully implement APP standards for all landfills.
- Rules will be adopted for conditionally exempt small quantity generator waste.
- A tiered regulatory approach would include the following categories:
 - Exempt.
 - Subject to inspection.
 - Subject to best management practices.
 - Self-certification.
 - Subject to plan approval (classic permitting process).

Responses to stakeholder questions and comments:

- Financial assurance will be reviewed and assessed periodically. Landfills are to be reviewed for financial assurance each year. All other facilities are to be reviewed every three years.
- Currently only solid waste landfills submit financial assurance. MSWLFs under Part 258 and non-MSWLFs under APP.

- It is likely that facilities would have to comply with other environmental regulations such as air quality rules.
- We will not create a rule that works at cross-purposes with other existing environmental rules not related to the Waste Programs Division.
- Basic requirements for waste stream identification and screening would likely be addressed.

Key stakeholder concerns included:

- Need to consider public health, not just monetary advantages (to business operators).
- Will completion bonds be used as they are for mines in New Mexico?

WHICH FACILITIES WILL BE COVERED BY THE NEW RULE?

Seaman presented the regulatory tier designation matrix. The matrix includes the type of solid waste facility, the tier(s) under which a facility would be regulated, and citations for the statute(s) used to determine the tier.

Responses to stakeholder questions and comments:

- Currently, waste to energy facilities are not required to obtain plan approval.
- Putting a rule in place will allow for regulating facilities that are covered by statute.
- ADEQ is committed to working within the current regulatory framework. Generally speaking, if an agency lacks authority, this can only be obtained through legislative action.

Key stakeholder comments and questions included:

- Waste to energy could be an incinerator, plasma arc, or other types of technology.
- Since the matrix shows the current statutory requirements, Arizona will still have a lower level of regulation for some facilities than neighboring states.

ARTICLE 3 AND OTHER REGULATORY ISSUES

Seaman reviewed the handling of solid waste other than at solid waste facilities, Article 3 considerations, and next steps in the rulemaking process. Highlights included:

- AAC Ch13, Art 3 may be amended.
- These rules referring to methods of disposal date back to the 1960s and have not been updated. These rules are obsolete due to subsequent statutes.
- Basis for county delegation agreements.

Responses to stakeholder questions and comments:

- The Plan Review Unit would be able to answer the question of accepting new data regarding landfill caps. In such a demonstration, the burden is on the applicant.

Gunn asked stakeholders what information should have been included in the presentation or needed to be clarified. There were not any suggestions. She encouraged stakeholders to contact Seaman with suggestions.

Seaman reviewed next steps including distribution of the rule text in August; workshops on rule text in September and October, and filing the notice of proposed rulemaking by the end of 2007.

A stakeholder noted his appreciation that a compliance person was present at the meeting. Seaman explained that although they could not all attend the meeting; the rule team includes compliance, enforcement and planning staff.



Waste Programs Division
Solid Waste Rule Development Process
Stakeholder Attendees – June 11, 2007, 6:00 p.m.

Name		Organization	Phone	E-Mail
Margaret	Bowman	Davis-Monthan AFB	520-228-6318	margaret.bowman@dm.af.mil
Fiona	Jordan	University of Arizona	520-626-3322	fiona@aq.arizona.edu
Ivo	Ortiz	Barrio Centro Neighborhood	520-795-5853	ivoman13@hotmail.com
Bill	Petroutson	Pima County DEQ	520-740-3329	bill.petroutson@deq.pima.gov

ADEQ and facilitation staff included:

Veronica Garcia, ADEQ
Mark Lewandowski, ADEQ
Martha Seaman, ADEQ
Theresa Gunn, Gunn Communications, Inc.
Kelly Cairo, Gunn Communications, Inc.