



Janet Napolitano
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

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Stephen A. Owens
Director

**Waste Programs Division
Solid Waste Rule Development Process
Stakeholder Workshop
Monday, June 18, 2007 1:30 p.m.
Carnegie Center
1101 W. Washington St., Phoenix, 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 introductions.

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. Highlights of assumptions include:

- The mandate to create solid waste facility rules has existed since the early-1980s, or prior, which is before the agency was created.
- Arizona has a regulatory gap 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.
- ADEQ is concerned that the regulatory gap creates a protection deficit.

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Responses to stakeholder questions and comments:

- ADEQ recognizes that solid waste is moving through tribal lands, and is glad to see tribal participation both at this meeting and one previously held in Tucson.
- The landfill on the Salt River Pima Maricopa Indian Community has an EPA permit. This landfill is not required to seek ADEQ oversight, but they have chosen to do so.

Gunn asked stakeholders if they disagreed with the agency mandate to move forward with drafting these rules. Key stakeholder concerns included:

- Don't believe there is a protection deficit.
- Don't necessarily need other states' rules.
- Tribes need to be considered.
- Metal recyclers generate waste, but are not waste facilities.
- Composting operations also generate waste, but are not waste facilities.
- Concerned that the biosolids that are part of composting will now be subject to additional regulations.

Action item:

- ADEQ will determine whether it is appropriate to distribute the comparison information showing the six other states rules.

INTEGRATED REGULATORY FRAMEWORK

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

- Consideration is 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 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 existing and new landfills. Non-MSWLFs are already subject to APP.
- Rules will be adopted to address the handling of conditionally exempt small quantity generator waste in the solid waste stream.
- There are approximately 20 exemptions to the definition of a solid waste facility, and another 20 exemptions to the definition of solid waste. There are various thresholds to becoming a solid waste facility.
- ADEQ is interested in engaging in a stakeholder discussion regarding creating an efficient, fair system for facility owner/operators with respect to the financial assurance review and approval that ADEQ is mandated by statute to perform.
- 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:

- ADEQ is not looking to regulate household hazardous waste in this rulemaking.
- Parts of handling CESQG will need to be addressed.
- The definition of a solid waste facility addresses the concern regarding recycling facilities that handle waste, and significant adverse effects.

Key stakeholder concerns included:

- Disagree with the assumption that basic requirements should apply to all solid waste facilities.
- Bad idea to carve out separate rules for CESQG. This could bog down the rules and create an unequal footing for some businesses.
- Has the agency considered research and development facilities as subject to BMPs?
- There is language missing regarding alternate uses, which may reflect where the state is going in the future.
- There is language missing regarding mining closed landfills.
- Agency should address the transport of modified waste/fuel source.
- What about actual RCRA facilities? These will be missing from the CESQG portion. If there is a provision for CESQG, then all RCRA should be regulated.
- ADEQ should look at 761A. The solid waste rulemaking should not duplicate existing programs.
- Concerned about regulating anything exempt from statute.
- How do small quantity generators on tribal lands fit in?
- All landfills should have an APP.
- Concerned that changes in procedures for self-cert facilities will result in continuous updates to be sealed by the third-party PE.

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 included, and citations for the statute(s) used to determine the tier.

Responses to stakeholder questions and comments:

- This list represents current statutes, and where facilities would fall under the five-tier approach.
- (Page 8, #6): Are biosolids here in F6, or in I8?
- The intent of the rulemaking was to remain limited to solid waste. Other environmental permits will stand.
- The exempt generators noted in #5 would probably only be subject to inspection on a complaint basis.
- ADEQ would have a say in how solid waste is handled once it arrives in Arizona. The state does not intend to prohibit interstate or international movement of waste.

Key stakeholder concerns included:

- A generator in #5 is exempt, but also listed for inspection. This would include anyone storing glass, wood, etc.
- Various facilities are described by volume expressed in cubic yards. This should be converted to tonnage requirements, which can be scaled.
- Does the agency have any say in the import/export of waste internationally?
- Why not include California in the peer review? Arizona gets a lot of waste from California because their rules are more stringent.
- The table shows that limiting factors are not built into a number of areas. Once an activity is divorced from any solid waste limitation, this could create confusion.

Action item:

- Compare and clarify F6, I8, and D17.

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.
- Next steps include:
 - Distribution of the rule text in August.
 - Workshops on rule text in September and October.
 - Filing the notice of proposed rulemaking by the end of 2007.

Gunn asked stakeholders what other concerns they had and what information should have been included in the presentation. Stakeholder feedback included:

- Landfill covers should be considered.
- A third-party PE can seal self-certs without affecting operations.
- A PE is a registered professional. Shouldn't require the PE to be third-party.
- Would like to see language changes in Article 3 to help counties deal with illegal dumping.
- Agency needs to review their authority regarding the Article 3 rules, because these rules concern only those facilities open to the public.
- Poor communities need assistance fighting new landfills sitings. The siting should be based on the whole picture including zoning, air quality issues, etc.

Responses to stakeholder questions and comments:

- Household hazardous waste is regulated as solid waste.

Seaman encouraged stakeholders to contact her with any concerns about where facilities fit into the matrix, and any other issues related to this rulemaking.



Waste Programs Division
Solid Waste Rule Development Process
Stakeholder Attendees – June 18, 2007, 1:30 p.m.

Name		Organization	Phone	E-Mail
Louis	Andersen	Town of Gilbert	480-503-6426	
Dave	Bearden	WMI	602-708-9815	dbearden@wm.com
William	Beebe	Metal Management	602-447-3000	wbeebe@mtlm.com
Nicole	Bisacchi	Waste Management		
William	Black	City of Mesa	480-644-3222	william.black@cityofmesa.org
Candy	Brooks	Gila County	1-800-304-4452 x8831	cbrooks@gila.az.us
Al	Brown	ASU/AZ PHA		al.brown@asu.edu
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Don	Cassano	Waste Management	602-454-2045	
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Joe	Giudice	City of Phoenix	602-256-5621	joe.giudice@phoenix.gov
Seymour	Gruber	Pinal County Attorney's Office	520-866-6293	seymour.gruber@pinal.co.az.us
Chuck	Hamstra	City of Phoenix		chuck.hamstra@phoenix.gov
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Fred	Hull	Town of Gila Bend	928-683-2195	fred.hull@msn.com
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Jon	Kawaguchi	City of Glendale	623-930-4725	jkawaguchi@glendaleaz.com
Dan	Kelley	Tierra Dynamic Co.	602-864-3887	dankelley@tierradynamic.com
John	Kolman	Maricopa County Environmental Services Department	602-506-6935	jkolman@mail.maricopa.com
James	Livingston	City of Scottsdale	480-312-5600	jlivingston@scottsdaleaz.gov
Lorrie	Loder	Synagro	909-322-0388	lloder@synagro.com
Frank	Lomeli	City of Glendale	623-930-2611	flomeli@glendaleaz.com
John	Moody	Miller, LaSota & Peters	602-248-2900	john@mlp-law.com
continued				

Name		Organization	Phone	E-Mail
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Ella	Pierpoint	Town of Gila Bend		epierpoint@yahoo.com
Sharon	Radanovich	Gila County Solid Waste	928-402-8531	sradanov@co.gila.az.us
Barry	Rinehart	CAP	623-869-2556	brinehart@cap-az.com
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ADEQ and facilitation staff included:

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