



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
Wednesday, June 20, 2007 6:00 p.m.
Lone Tree Community College, Board Room
2800 S. Lone Tree Rd. Flagstaff, 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 asked attendees what they hoped to learn from the meeting. Comments included:

- Want to stay up to speed on the rules and how they will affect industry.
- Came to learn how new information affects my facility.
- We receive hazardous products in and out of the landfill and want to learn more about what will be happening.

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:

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- 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.

Responses to stakeholder questions and comments:

- There are federal requirements for landfills. In other states, we found either Part 258 rules or more stringent rules.
- We hope the rule process will clarify the Type 1-4 system.

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).

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Responses to stakeholder questions and comments:

- There are a number of thresholds regarding amount of waste and duration in considering a facility a solid waste facility. There are roughly 20 exemptions each from the definition of solid waste, and another 20 exemptions from the definition of solid waste facility.
- The BMP tier is less stringent than the self-certification tier, and usually applies to smaller facilities. For example, a small transfer station would fall under BMP as long as the facility follows the BMP rules.
- Procedural requirements may include facility operational plans, but not OSHA health and safety plans.
- Some states consider household hazardous as solid waste, others consider it RCRA-C and it is prohibited from disposal in MSWLFs.
- The rulemaking may affect some development issues. The county can always be more stringent than state rules.

Key stakeholder concerns included:

- We may want to incorporate our transfer facility with the City of Flagstaff landfill.

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:

- Composting facilities that are composting household waste would be subject to plan approval. Those that are composting green waste only would not be subject to plan approval.
- Adding a new treatment process to a landfill facility, such as composting biosolids, is probably a Type 4 change.
- For a composting facility taking municipal trash which constitutes household waste, we are leaning toward requiring this be done in-vessel.
- Rolloff/compacting equipment may fall under A2 on the matrix, but we would have to look at case-by-case scenarios.
- The 180 cubic yard threshold came from statute. If an unmanned site has several rolloffs, it could meet the 180 cubic yard threshold.

Action item:

- Address the composting of biosolids. Currently, there is an overlap with the Water Quality Division and biosolids should be either in the solid waste program or the water program.

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.

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- 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:

- The term convenience station is used in the industry, rather than transfer station. These can be either manned or unmanned.
- In adding a transfer area at a landfill, such as for the purpose of keeping residents at a safe distance from operations, may be considered part of a landfill plan or landfill screening procedure.

Responses to stakeholder questions and comments:

- The agency uses the term transfer station for a manned facility, and drop box for an unmanned location.

Action item:

- Provide meeting summaries on the website.

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

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**Waste Programs Division
Solid Waste Rule Development Process
Stakeholder Attendees – June 20, 2007, 6:00 p.m.**

Name		Organization	Phone	E-Mail
Pat	Bourque	City of Flagstaff	928-779-7615	pbourque@ci.flagstaff.az.us
Scott	Donovan	City of Flagstaff	928-213-3605	sdonovan@ci.flagstaff.az.us
Michael	Galleges	City of Flagstaff	928-527-9844	mgalleges@ci.flagstaff.az.us
Matt	Morales	City of Flagstaff	928-527-9843	mmorales@ci.flagstaff.az.us

ADEQ and facilitation staff included:

Veronica Garcia, ADEQ
Peggy Guichard-Watters, ADEQ
Byron James, ADEQ
Mark Lewandowski, ADEQ
Denise McConaghy, ADEQ
Martha Seaman, ADEQ
Robin Thomas, ADEQ
Theresa Gunn, Gunn Communications, Inc.
Kelly Cairo, Gunn Communications, Inc.

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