

Water Utilities Department

July 31, 2008

Ms. Martha Seaman
Environmental Rules Specialist
Waste Programs Division
Arizona Department of Environmental Quality
1110 W. Washington Street
Phoenix, Arizona 85007

Re: Comments on Draft Solid Waste Rule R 18-13-609

Dear Ms. Seaman:

This is for clarification of the "draft" and specifically the section dealing with permanent household hazardous waste facilities having daily throughput of 180 cubic yards or less of solid waste.

R18-13-609. Permanent Household Hazardous Waste Facilities having a daily throughput of 180 cubic yards or less; Additional requirements

A. In addition to meeting all of the requirements of this Article for a solid waste facility subject to best management practices, the owner or operator of a permanent household hazardous waste facility that has a daily solid waste throughput of 180 cubic yards or less, shall comply with the requirements of this Section. **What if the facility is not located on a landfill or transfer station where solid waste is received?**

B. The owner or operator of a facility described by subsection (A) shall implement a waste identification program to identify specific waste streams to be handled at the facility, the waste analysis requirements and procedures, and the waste verification procedures at the facility. **Definition of "waste identification program" when the facility receives household hazardous waste?**

C. The owner or operator of a facility described by subsection (A) shall implement a waste screening program to prohibit the receipt of wastes which are not authorized by law to be handled by that type of solid waste facility, and to segregate and properly handle wastes requiring special handling. **According to EPA, DOT, or OSHA?**

D. The waste screening program required by subsection (C) shall include the following, at a minimum: **Definition of "waste screening program" when the facility only receives HHW?**

1. Random inspections of incoming loads unless the owner or operator take other steps to ensure that incoming loads do not contain wastes which are not authorized by law to be handled by that type of solid waste facility. **"Loads" refers more to solid waste containers such bins.**

2. Records of any inspections of incoming loads. **Criteria for inspections.**

3. Training of facility personnel to recognize wastes which: **Type of training by which agencies.**

a. Are not authorized by law to be handled by that type of solid waste facility.

b. Require separation and special handling when received. **Separation or Segregation?**

4. Notification to the Department within 24 hours after the discovery of wastes which are not authorized by law to be handled by that type of solid waste facility.

5. Proper handling of unauthorized waste until it is removed from the facility. Proper handling includes the provision of a safe temporary storage area that prevents commingling of the unauthorized waste or other condition that poses a threat to public health or the environment. **Unauthorized waste as defined by permit, EPA, or ADEQ?**

6. Proper handling of wastes requiring special handling. **Definitions of types of "wastes" (liquid, solid, water reactive)**

E. The owner or operator of a facility described in subsection (A) shall design, construct, operate and maintain the facility so that a container used in the handling of solid waste meets the following requirements:

1. Is constructed of durable materials.
2. Is maintained in good condition and has no severe rusting or apparent structural defects or deterioration.
3. Is maintained in a manner that prevents the loss of materials during storage, processing, treatment, or transport, and that prevents access by vectors.
4. If the container is used to handle liquid or semisolid solid waste:

a. The container shall be watertight, leak-proof, and constructed of materials compatible with the waste being stored, and ~~Deleted:~~ **Waste to include hazardous and non-hazardous waste?**

b. The container shall be equipped with or placed in secondary containment sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed.

F. The owner or operator of a facility described in subsection (A) shall design, construct, operate and maintain the facility so that a tank used to handle solid waste shall meet the following design and construction standards:

1. The tank and ancillary equipment shall be watertight and leak-proof. All tanks and ancillary equipment shall be tested for tightness prior to being covered, enclosed, or placed in use. If a tank system is found not to be tight, all repairs necessary to remedy the leak in the system must be performed prior to the tank system being covered, enclosed, or placed in use.

2. An aboveground tank shall be equipped with or placed in secondary containment constructed of, or lined with, materials compatible with the waste being stored and capable of containing the volume of the largest tank within its boundary, plus an allowance for precipitation. The containment system shall be design, installed, and operated to prevent any wastes or accumulated liquid from migrating out of the system to the soil, groundwater, or surface water.

3. Areas used to load or unload tanks shall be designed to contain spills and accidental releases during loading and unloading.

4. Tanks and ancillary equipment shall be protected from failure caused by freezing. **Or possible heat?**

5. For tanks or components for which the external shell of a metal tank or component will be in contact with the soil or water, corrosion protection shall be installed and maintained in accordance with a determination made by a corrosion expert of the type and degree of external corrosion protection that is needed to ensure the integrity of the tank or component.

6. The tank system shall be designed to ensure that:

a. The tank system is structurally suited for the proposed use.

b. The tank foundation is designed to meet the load of a full tank.

c. The tank system is anchored to prevent flotation or dislodgement where the tank system is placed in a saturated zone.

d. The tank system is protected from impact by vehicles or equipment through use of curbing, grade separation, bollards or other appropriate means.

G. Except as otherwise provided in subsection (H), the owner or operator of a facility described in subsection (A) which handles waste likely to produce leachate shall ensure that the facility is designed and constructed to do both of the following: **There is no "waste" disposed of at the facilities this seems focused on landfills?**

1. Provide that waste that is stored or processed is placed in a container or tank meeting the requirements of subsection (E) or (F) or on a low permeability workpad area, which, when site specific conditions, operational practices, and types of wastes to be handled are considered, prevents an exceedance of soil remediation levels, aquifer water quality standards, or surface water quality standards.

2. Provide for collection and removal of any leachate and washdown water.

H. To the extent that a facility described in subsection (A) is subject to regulation by the Aquifer Protection Permit program under A.R.S. Title 49, Chapter 2, Article 3, the owner

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or operator of the solid waste facility shall comply with those requirements in lieu of complying with subsection (G).

I. Liquid wastes may be accepted at a facility described by subsection (A) if they are stored at the facility in either of the following:

1. A container meeting the requirements of subsection (E) that is labeled with a description of the contents and labeled with the date the waste is first placed in the container. **Is this for hazardous or non-hazardous waste and what type of label?**
2. A tank meeting the requirements of subsection (F) that is labeled with a description of the contents.

Our permanent HHW facility is sited on private property as a stand alone collection center functioning solely for the purpose of consolidating household hazardous waste from only residential homes no businesses. ADEQ may additionally look at the other HHW facilities in the state to not include or possibly make another classification of facilities that don't fit the current tiered format that do not reside on a landfill, transfer station, or collect CESQG waste from businesses.

The City of Tempe looks forward for continual discussion in the revisions dealing with HHW under the Solid Waste Rule Revision. If you have any questions or comments please feel free to contact me at 480-350-2819.

Sincerely,



David Tavares
Environmental, Health & Safety Supervisor
City of Tempe- Water Utilities Department