



INSTRUCTIONS FOR A CLEAN CLOSURE APPLICATION

INSTRUCTIONS

This application is for Clean Closure approval for qualifying discharging facilities and drywells. A Clean Closure allows a permittee to close the facility and does not require post-closure monitoring or maintenance.

This document is divided into three main parts.

- 1) **Instructions** – The instructions are intended to give you basic information regarding the eligibility for clean closure, the application process, how long the process may take and how much it will cost. More detailed information can be obtained by referencing the specific rule citation listed with each application item. Please do not submit the instructions with your application.
- 2) **General Information** – This section includes basic applicant and facility information.
- 3) **Technical Information** – This section requires information regarding the facility and specific ways the aquifer will be protected. Many of the items in this section are to be attached to the clean closure application. In order to save yourself time and money, ADEQ recommends that you organize all the attachments using a Table of Contents that references the application item number (Ex. “Attachment 1 – Facility Description (Item 12)”).

ELIGIBLE FOR CLEAN CLOSURE

- A) A clean closure approval can be issued for a former discharging facility if the following conditions are met (A.R.S 49-201(5)):
 1. The closure complies with all the terms of an existing individual Aquifer Protection Permit;
 2. The closure eliminates all discharges from the facility to the greatest degree practical;
 3. There is no reasonable probability that the facility will exceed Aquifer Water Quality Standards (AWQS) at the applicable point(s) of compliance due to a discharge; and
 4. As closed, the facility does not require post-closure monitoring or maintenance.
- B) Drywells undergoing closure that drain areas where hazardous substances are used, stored, loaded or treated are eligible for clean closure without having previously obtained an APP. Closure of such drywells can be achieved by either:
 1. Decommissioning the drywell, or
 2. Permanently altering the facility’s waste/ chemical management operations through the implementation of a Best Management Practices Plan (BMPP) so that the potential for the drywell to receive unauthorized discharge is eliminated. (See ADEQ guidance document entitled: Best Management Practices Plan (BMPP) for drywells draining areas associated with industrial activities that use, store, load, or treat hazardous substances).

If the facility undergoing closure fits any of the categories listed above and the owner or operator wishes to pursue a clean closure approval, a closure plan must be submitted within ninety days after notification of this intent has been given to the Aquifer Protection Program (A.R.S 49-252(B)).

NOT ELIGIBLE FOR CLEAN CLOSURE

Any discharging facility, except a drywell, that was operated without an APP must first apply for an APP prior to closure of the facility.

DETERMINATION OF ELIGIBILITY FOR CLEAN CLOSURE

The Aquifer Protection Program will determine within sixty days upon receipt of a complete closure plan, whether the facility closure can meet the definition of clean closure (A.R.S 49-252(C)). One of the following conclusions will result from the review:

- 1) If the closure plan meets clean closure criteria, ADEQ will issue a letter of approval to the owner or operator and an Aquifer Protection Permit will not be required (A.R.S 49-252(D)). Subsequent to approval, the owner or operator must implement the approved closure plan to qualify for clean closure status.
- 2) If clean closure cannot be achieved, ADEQ will request submittal of an application for an Aquifer Protection Permit (A.R.S 49-252(E)).

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- 3) If clean closure cannot be achieved and the facility has an existing Aquifer Protection Permit, ADEQ will request the submittal of an application for permit amendment to address the closure activities, post-closure monitoring, and maintenance (A.R.S 49-252(E)).

If an APP is required, a permit application or a request to amend a permit must be submitted within ninety days from the notification date. If required, an extension to this time frame may be provided under (A.R.S 49-252(E)).

GENERAL APPLICATION PROCESS

- 1) The applicant may wish to schedule pre-application meeting to discuss the details of any previously completed site assessment work, or to review a proposed sampling and closure plan.
- 2) Applicant **submits two bound (comb or spiral) copies** of the application including attachments, the initial fee, and a cover letter that provides a general overview of the project (briefly describe nature of business, list discharging facilities, describe treatment and disposal, discharge flow rates, a point of compliance) and results of sampling plan. **At least one copy of the application must be submitted with the original signature.**
- 3) Applicant satisfies any deficiencies in the application.
- 4) ADEQ sends the final bill.
- 5) Applicant pays the bill.
- 6) The division director signs the clean closure approval letter.
- 7) ADEQ mails the clean closure approval letter.

FEES

A \$2,000 initial fee is required along with your application in accordance with A.A.C. R18-14-103. The permit team assigned to your project will bill at a rate of \$122.00 per hour up to a maximum fee of \$50,000 in accordance with A.A.C. R18-14-102.

PERMITTEE

The permittee shall be the person responsible for complying with the terms and conditions of the clean closure approval.

APPLICANT

The applicant shall be the person signing the application.

HOW LONG DOES THE APPLICATION PROCESS TAKE?

The entire clean closure process for wastewater and industrial facilities may take six to nine months or longer depending on mitigating circumstances, such as incomplete application materials, an inadequate closure investigation, sampling results and site specific conditions that merit further investigation and the number of applications in process. Some industrial sectors, such as mines, may take significantly longer owing to the large quantities of data that must be collected.

WHERE DO I SUBMIT MY APPLICATION?

Submit your application to:

Arizona Department of Environmental Quality
Water Permits Section
Attn: LTF Application Clerk
1110 West Washington Street, Mail Code 5415B-3
Phoenix, AZ 85007

WHERE DO I GET HELP?

Program guidance can be found on our website at: <http://www.azdeq.gov/environ/water/permits/app.html>. A copy of the rules and statutes relating to clean closure can also be found on this website. It is strongly recommended that you review the applicable rules and statutes to ensure that you provide a complete and accurate application. ADEQ recommends scheduling a pre-application meeting to go over the various details of the program (The first hour of the pre-application meeting is free). During the application process, you are encouraged to communicate with the project team to resolve any issues that may arise during the process.



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GENERAL INFORMATION

1 Applicant [A.A.C. R18-1-503(1)] – Person signing the application

(Check One) Owner Operator Owner and Operator Email _____
 Name _____ Phone _____
 Title _____ Business _____
 Mailing Address _____ City _____ State _____ Zip _____

2 Permittee – Person responsible for complying with the terms and conditions of the APP

(Check One) Owner Operator Owner and Operator Email _____
 Name _____ Phone _____
 Title _____ Firm Name _____
 Mailing Address _____ City _____ State _____ Zip _____

3 Landowner(s)

Check this box if the person listed below is not the applicant, include a copy of the Lease or Contract
 Name _____ Phone _____
 Title _____ Business _____
 Mailing Address _____ City _____ State _____ Zip _____

4 Facility Name [A.A.C. R18-1-503(2)]

Facility Name _____
 APP # _____

5 Authorized Agent [A.A.C. R18-1-503(3)]

Check this box if the person listed below is authorized to act as an “Agent” on behalf of the applicant
 Email _____
 Name _____ Phone _____
 Title _____ Firm Name _____
 Mailing Address _____ City _____ State _____ Zip _____

6 Completed Form [A.A.C. R18-1-503(5)]

I have completed and signed the clean closure application.

7 Initial Fee [A.A.C. R18-1-503(6) and R18-14-103]

Check this box if an initial fee of \$2,000 is attached.

8 Facility Address and Location Information [A.A.C. R18-9-A201(B)(1)]

Address _____
 City _____ State _____ Zip _____
 County _____
 Township _____ Range _____ Section _____ Qtr1 _____ Qtr2 _____ Qtr3 _____
 Latitude _____ ° ' "N Longitude _____ ° ' "W NAD27 NAD83

9 Emergency Contact [A.A.C. R18-9-A202(A)(11)]

Name _____ Phone _____

10 Legal Description [A.A.C. R18-9-A201(B)(1)]

Legal Description

11 Facility Description [A.R.S. § 49-243(K)(8)]

I have attached a facility description that includes the following information:

- A) A general description of your process as it relates to the discharge.
- B) Is the entire facility closing? If not list all operational and the ones that will be closed.

Yes (include as attachment)

12 Existing Environmental Permits [A.A.C. R18-9-A201(B)(1)]

List any other federal or state environmental permits issued for or needed by the facility, including any individual permit, Groundwater Quality Protection Permit, or Notice of Disposal that may have previously authorized the discharge (insert additional rows if necessary).

13 Discharge History for all facilities

Please provide the following information about the discharge history of the facility

The date facility began operation _____

The facility closure date _____

14 List of Discharging Facilities [A.R.S. § 49-241]

Operational Discharging Facilities

Description	Latitude	Longitude

Discharging Facilities to be Closed Under this Application

Description	Latitude	Longitude

Please insert additional rows, if more space is needed.

15 Disposal Method (Check all that apply) [A.R.S. § 49-241]

- | | |
|---|--|
| <input type="checkbox"/> Outfall to Navigable Water | <input type="checkbox"/> Land Treatment Area |
| <input type="checkbox"/> Recharge | <input type="checkbox"/> Injection Well |
| <input type="checkbox"/> Surface Impoundment | <input type="checkbox"/> Reuse |
| <input type="checkbox"/> Leach Field | <input type="checkbox"/> Other |

16 Technical Requirements (Check all that have been attached. See Rule Citation for Specific Requirements)

Description	Page #	Attached?
A) Maps (A.A.C.R18-9-A209(B)(3)(a))		<input type="checkbox"/>
B) Site Plan (A.A.C.R18-9-A209(B)(3)(a))		<input type="checkbox"/>
D) Characterization of Discharge (A.A.C.R18-9-A209(B)(3)(a))		<input type="checkbox"/>
E) Description of the treatment processes used (A.A.C.R18-9-A209(B)(3)(a))		<input type="checkbox"/>
F) A brief description of the business (A.A.C.R18-9-A209(B)(3)(a))		<input type="checkbox"/>
H) The rates, volume and frequency of the past discharges (A.A.C.R18-9-A209(B)(3)(a))		<input type="checkbox"/>

17 Closure Plan

A Initial Site Assessment (A report that includes)

Description	Page #	Attached?
A) Background – Provide information, such as, facility location, name of company and/or names of individuals completing the investigation, and land use of the adjoining property		<input type="checkbox"/>
B) Purpose & Scope - Give an explanation of why the investigation is necessary and what is being investigated		<input type="checkbox"/>
C) Record Search - Review available federal, state and local environmental regulatory records, plan maps, aerial photographs, and conduct personal interviews with available property representatives		<input type="checkbox"/>
D) Site History - Provide an evaluation of the specific facility undergoing closure, include a description of the facility, the details of all past operating practices, and the discharge history		<input type="checkbox"/>
E) Site Inspection - Identify on a site plan map all potentially contaminated areas, resulting from past discharges		<input type="checkbox"/>
F) Preliminary Sampling - Collect and analyze samples from all potentially contaminated soil, sludge, and/or wastewater. Collect sediment samples from the settling chamber for drywells. When sampling a drywell, please consult ADEQ’s “Drywell Investigation Guidelines.		<input type="checkbox"/>
G) Report - Compile a site assessment report. This report may propose, depending on the site assessment results, that no further work be completed and clean closure approval be granted.		<input type="checkbox"/>

B Sampling Plan Guidance

Sampling Plan should include the following:

Description	Page #	Attached?
A) Specific details of what will be investigated		<input type="checkbox"/>
B) Explanation of why the investigation is necessary		<input type="checkbox"/>
C) Identification of the type(s) of samples to be collected. Include the number of samples to be collected and the sampling intervals in the case of soil borings. The sampling plan and methods for any drywell closure should be consistent with ADEQ’s Drywell Investigation Guidelines.		<input type="checkbox"/>
D) How the samples will be collected. Include a description of sampling protocols and the quality assurance/quality control (QA/QC) program to be used. The samples must be analyzed using EPA approved methods or Arizona state approved methods. All analyses must be performed by a laboratory licensed by the Arizona Department of Health Services (ADHS), Office of Laboratory Licensure & Certification for results to be valid. A list of certified laboratories can be obtained at the following address: Arizona Department of Health Services Office of Laboratory Licensure & Certification 1740 W. Adams Street, 203 North Phoenix, AZ 85007 Phone: (602) 364-0720		<input type="checkbox"/>
E) The locations where the samples will be collected. This should include a site plan that illustrates areas to be investigated and the exact locations where the samples will be collected. Background samples should be collected to establish the ambient soil conditions at the site, especially if analyzing for metals.		<input type="checkbox"/>
F) A statement of when the sampling program will be undertaken. Specify the time frame for completion of the sampling program.		<input type="checkbox"/>
G) A description of any anticipated remediation activity(s) to be implemented, if Soil Remediation Levels (SRLs) or Groundwater Protection Levels (GPLs) are exceeded for contaminants detected during the investigation. This should include the details of disposal methods for all contaminated materials and verification sampling.		<input type="checkbox"/>

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	H) A description of the sampling program including the sampling methods, equipment, and quality control and quality assurance procedures used.		<input type="checkbox"/>
	I) Copies of all laboratory analytical data sheets. The laboratory must be certified by ADHS for each analytical method used.		<input type="checkbox"/>

C Closure Plan

A Final report should include the following:

	A) A detailed description of any clean-up completed at the site, including the excavation of any contaminated soil, sludge, sediment, or removal of any remaining chemicals and /or waste from the facility;		<input type="checkbox"/>
	B) Information concerning the quantities and the chemical, biological, and physical characteristics of the materials removed from the facility or buried on-site;		<input type="checkbox"/>
	C) Documentation of all analytical data and the ultimate fate and approved disposal location or containment methods and/or materials used for on-site burial of any contaminated soil, sludge, or sediment;		<input type="checkbox"/>
	D) Approximate quantity and chemical, biological and physical characteristics of any material remaining at the site.		<input type="checkbox"/>
	E) A description of the methods used to treat any materials remaining at the site;		<input type="checkbox"/>
	F) A description of any methods used to control the discharge of pollutants from the closed facility;		<input type="checkbox"/>
	G) Any limitations on the future land or water uses created as a result of the facility(s) prior operation or closure activities (document any Declaration of Environmental Use Restriction (DEUR) recorded according to A.R.S. §§ 49-152 through 49-159);		<input type="checkbox"/>
	H) A description of any methods used to secure the closed facility;		<input type="checkbox"/>
	I) A summary of all sampling, including verification sampling completed to prove that no significant environmental hazard remains as a result of the past facility discharges. Any residual soil contamination must meet the SRLs and the GPLs established by ADEQ. All analytical data must include copies of the analytical reports from the state approved laboratory and the chain of custody records for the samples;		<input type="checkbox"/>
	J) A detailed description of the physical closure of the facility. If evidenced by sample data, it is acceptable to propose that no treatment or clean-up is necessary for clean closure;		<input type="checkbox"/>
	K) Documentation that verifies all well closures, including drywells and monitor wells, must meet all local, state, and federal guidelines;		<input type="checkbox"/>
	L) An estimate of the cost of closure; and		<input type="checkbox"/>
	M) Conclusions and/or recommendations drawn from the completed closure plan		<input type="checkbox"/>

18 Compliance with Aquifer Water Quality Standards

Point of Compliance [A.A.C. R18-9-A202(A)(6)]

Discharging Facility	Latitude	Longitude	Haz (*)	Non-Haz(*)

19 Hydro Geologic Study

	A) A description of the surface and subsurface geology, including a description of all borings;		<input type="checkbox"/>
	B) The location of any perennial or ephemeral surface water bodies;		<input type="checkbox"/>
	C) Groundwater depth and flow direction, and if available, the aquifer characteristics;		<input type="checkbox"/>
	D) Documentation of the existing quality of the water in the aquifers underlying the site, including, where available, the method of analysis and quality assurance and quality control procedures associated with the documentation; and		<input type="checkbox"/>
	E) The proposed location of each point of compliance.		<input type="checkbox"/>

20 Certification Statement [A.A.C. R18-9-A201(B)(7)]

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I certify under penalty of law that this Clean Closure application and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including permit revocation as well as the possibility of fine and imprisonment for knowing violations.

Print Name _____

Signature _____

Date _____

Pursuant to A.R.S. § 41-1030:

- (1) ADEQ shall not base a licensing decision, in whole or in part, on a requirement or condition not specifically authorized by statute or rule. General authority in a statute does not authorize a requirement or condition unless a rule is made pursuant to it that specifically authorizes the requirement or condition.
- (2) Prohibited licensing decisions may be challenged in a private civil action. Relief may be awarded to the prevailing party against ADEQ, including reasonable attorney fees, damages, and all fees associated with the license application.
- (3) ADEQ employees may not intentionally or knowingly violate the requirement for specific licensing authority. Violation is cause for disciplinary action or dismissal, pursuant to ADEQ's adopted personnel policy. ADEQ employees are still afforded the immunity in A.R.S. §§ 12-821.01 and 12-820.02.