

Notice Required by ARS § 41-1091(B):

"This substantive policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under A.R.S. §41-1033 for a review of the statement."

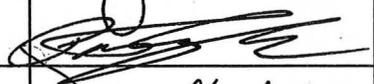
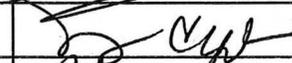
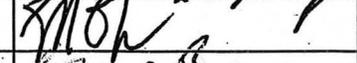
Environmental Permits and Approvals Near Learning Sites	Document No.	1103.000
	Revision No.	0.0
	Effective Date	July 13, 2005

1.0 Revision History

1.1 Revision Table

Date	Rev. No.	Change	Ref. Section
07/13/2005	0.0	New policy drafted	Not Applicable

1.2 Approval Signatures

Title	Name	Signature	Date
Director	Stephen A. Owens		7/13/05
Deputy Director	Patrick J. Cunningham		7/13/05
AQD Director	Nancy C. Wrona		7/13/05
TPD Director	Philip A. McNeely		7/13/05
WPD Director	Shannon M. Davis		7-13-05
WQD Director	Joan Card		7-13-05
NRO Director	Matthew L. Capalby		7/13/05
SRO Director	Michael A. Fulton		7/13/05
PRC	Edward M. Ranger		7/13/05
PRC	Paul W. Rasmussen		7/13/05

2.0 Purpose

The purpose of this policy is to establish a procedure for review of permit applications and requests for plan approval for operations which may impact learning sites to ensure that the protection of children at learning sites is considered before a permit or plan approval is issued by ADEQ.

This policy will not be used, in whole or in part, as a basis for licensing decisions.

3.0 Persons Affected

- 3.1 All staff involved with review of environmental permit applications and requests for plan approval.
- 3.2 Permit and plan approval applicants.

4.0 Policy

It is the policy of ADEQ that:

- 4.1 All permit applications and requests for plan approval received by ADEQ will be evaluated to verify that children at learning sites are protected.
- 4.2 Permit and plan approval review staff shall verify that permit applications and requests for plan approval are treated in accordance with this policy.
- 4.3 If an application for a permit or plan approval demonstrates, in accordance with procedures set forth in this policy, that children at learning sites will be protected, and that all other permit or plan approval requirements are met, the Department will grant that permit or plan approval.
- 4.4 If an application for a permit or plan approval does not demonstrate that children at learning sites will be protected in accordance with the procedures set forth in this policy, the Division will notify the applicant. The applicant may choose to modify the permit application or the plans submitted for approval.
- 4.5 If an application for a permit or if plans submitted for approval are not modified pursuant to paragraph 4.4, or if the modifications made pursuant to paragraph 4.4 are not protective of children at learning sites in accordance with this policy, the Department may deny the permit application or plan approval consistent with the Department's statutory authority.
- 4.6 This policy will be used by Division staff to determine when to consult with the Director regarding permit applications and requests for plan approval for operations near learning sites.

5.0 Definitions

- 5.1 Learning sites consist of all existing public schools, charter schools and private schools at the K-12 level, and all planned sites for schools approved by the Arizona School Facilities Board.
- 5.2 Permit or plan approval means any approval granted by ADEQ for the operation of a solid waste facility or a hazardous waste treatment storage or disposal facility or the granting of an air quality permit, an individual Aquifer Protection Permit or an individual AZPDES permit, including reissuance and renewals of permits or plan approvals, expansions of facilities subject to such permits and plan approvals, and amendments to such permits or plan approvals which increase potential to emit pollutants or add new pollutants.

6.0 Responsibilities

Each Division is responsible for adherence to this policy for the permits and plan approvals under their respective management.

7.0 Procedures

7.1 Air Pollutants Evaluation

Each air quality permit application will undergo an air pollutants evaluation prior to permitting. This will consist of air emissions modeling and estimation of maximum ambient concentrations of air pollutants attributable to the facility, as well as predicted ambient concentrations at any impacted learning sites. This analysis will be conducted by the technical staff of the permit applicant with review and approval by ADEQ or by ADEQ if the applicant lacks the capacity to perform the modeling. In those circumstances where modeling indicates ambient concentrations of an air pollutant in excess of a relevant guideline or standard in the vicinity of a learning site, the permit applicant will be afforded the opportunity to meet the relevant guidelines or standards. This could be done by adding pollution control equipment, change to work practice standards, modifying industrial processes, or limitations on operating parameters.

7.2 Evacuation Zone

Utilizing software generally relied upon by Arizona's municipal fire departments, each new permit application or request for plan approval will undergo an evaluation of the evacuation area associated with the facility in the event of an industrial accident. This evaluation will be performed by the staff of ADEQ. Nothing in this policy precludes an applicant from performing this analysis. The process may include consultation with the local fire authority. In circumstances where modeling and/or consultation with the local fire authority indicates a learning facility within a likely evacuation area, the permit applicant will be given the opportunity to modify proposed operations such that the learning sites in question would be outside the anticipated evacuation area.

7.3 Zoning Consistency

To assure consistency with local zoning, requests for environmental permits and plan approvals will be evaluated for consistency with local zoning requirements, including any necessary special use permits. This may be accomplished in consultation with the responsible local government agency.

7.4 Transportation Routes

The transportation routes for the movement of hazardous waste and material shipments to and from the proposed facility site, either by the applicant or contracted third parties, shall be evaluated to ensure that such shipments are not made in close proximity to learning sites during normally scheduled school hours.

7.5 Public Involvement Process

Proposed permits and plan approvals for facilities which may have an impact on learning sites may undergo expanded public participation, as determined by the Division Director prior to permit issuance, to assure full disclosure to the concerned public.