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"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."

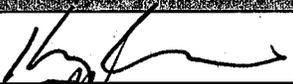
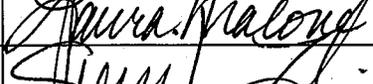
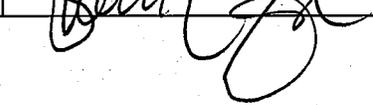
Definition of Closed Facility under the Aquifer Protection Permit (APP) Program	Document No.	3013.000
	Revision No.	
	Effective Date	11/01/2012

1.0 Revision History

1.1 Revision Table

Date	Rev. No.	Change	Ref. Section
11/01/2012	1.0	New policy drafted	Not Applicable

1.2 Approval Signatures

Title	Name	Signature	Date
Director	Henry R. Darwin		11/13/12
Affected Division Director(s)	Michael A. Fulton		10/23/12
	Laura Malone		11/2/12
OAC	Sherri L. Zendri		11/2/12

2.0 Purpose

This substantive policy clarifies how ADEQ interprets the definition of "closed facility" under the Aquifer Protection Permit Program in the context of managing surface and subsurface flows at a closed facility.

3.0 Persons Affected

- 3.1 ADEQ, Water Quality Division, Groundwater Section
- 3.2 ADEQ, Waste Programs Division, Permits Section
- 3.3. ADEQ, Water Quality Division and Waste Programs Division, Compliance Sections
- 3.4 Closed facilities

4.0 Definitions

- 4.1 "Aquifer Protection Permit (APP)" means a permit required under A.R.S. § 49-241 for facilities that discharge, meaning add a pollutant either directly to an aquifer, to the land surface or the vadose zone in such a manner that there is a reasonable probability that the pollutant will reach an aquifer. ADEQ issues both individual and general APPs.
- 4.2 "Closed facility" is defined in A.R.S. § 49-201(7) as:
 - (a) A facility that ceased operation before January 1, 1986, that is not, on August 13, 1986, engaged in the activity for which the facility was designed and that was previously operated and for which there is no intent to resume operation.
 - (b) A facility that has been approved as a clean closure by the director.
 - (c) A facility at which any postclosure monitoring and maintenance plan, notifications and approvals required in a permit have been completed.

5.0 Policy

A facility that meets the definition of closed facility is exempt from the APP requirements under A.R.S. § 49-250(B)(11) which provides as follows:

"Closed facilities. However, if the facility ever resumes operation the facility shall obtain an aquifer protection permit and the facility shall be treated as a new facility for purposes of section 49-243."

Although exempt from APP requirements, closed facilities have the potential to impact groundwater quality. For this reason, parties that own or who are otherwise responsible for closed facilities may wish to install management measures to control surface or subsurface flows at a closed facility. ADEQ wishes to encourage the installation and operation of such facilities. Therefore, ADEQ interprets the definition of "closed facility" to include any facility designed and operated to manage, treat or contain surface or subsurface flows at or from a closed facility (as defined in A.R.S. § 49-201(7)), including liners, treatment systems, pump-back systems, storm water management systems, impoundments, sumps and diversions, even if such facilities were installed or modified after January 1, 1986, so long as the facility's primary purpose is to manage, treat, or contain surface or subsurface flows and not for the production of a marketed commodity.

6.0 Responsibilities

The Managers of the Water Quality Division, Groundwater and Compliance Sections and the Waste Programs Division, Permits Section shall ensure that permit staff and inspectors are aware that a closed facility includes any facility designed and operated to manage, treat or

contain surface or subsurface flows at or from a closed facility as described in this substantive policy.

7.0 Procedures

At the request of an applicant or permittee, staff from Water Quality Division, Groundwater Section or Waste Programs Division, Permits Section may evaluate a facility to determine whether the facility meets the definition of a closed facility under this policy. If ADEQ determines that the facility meets the definition of a closed facility, then staff from Water Quality Division, Groundwater Section or Waste Programs Division, Permits Section will ensure that the closed facility is not included in a permit or permit amendment.

8.0 Additional Documentation

There is no additional documentation related to this substantive policy.